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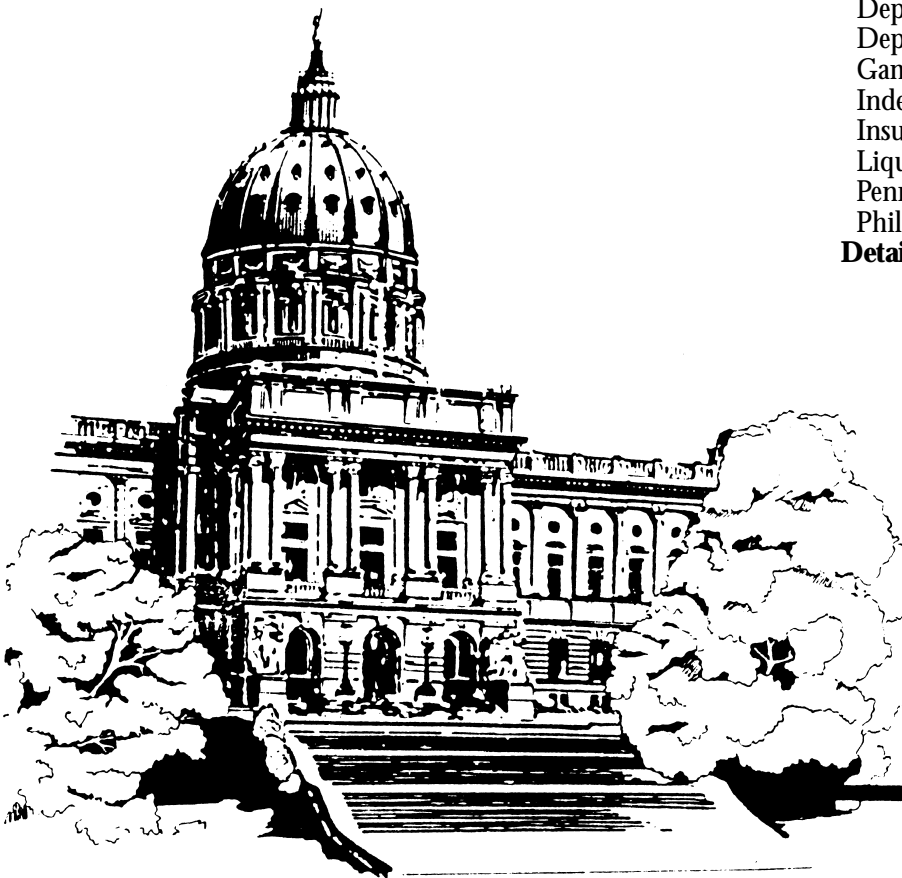
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PENNSYLVANIA BULLETIN

Volume 33
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Agencies in this issue:

The General Assembly
The Courts
Department of Banking
Department of Conservation and Natural Resources
Department of Environmental Protection
Department of General Services
Department of Health
Department of Transportation
Game Commission
Independent Regulatory Review Commission
Insurance Department
Liquor Control Board
Pennsylvania Public Utility Commission
Philadelphia Regional Port Authority
Detailed list of contents appears inside.



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(Master Transmittal Sheet):**

No. 348, November 2003

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CONTENTS

THE GENERAL ASSEMBLY

Recent actions during the 2003 regular session of the General Assembly 5505

THE COURTS

LOCAL COURT RULES

Beaver County

Local rules of civil procedure; no. 10130 of 2001 5512

Bucks County

Order renumbering rule of Orphans' Court procedure 15.4A and promulgating rule of Orphans' Court procedure 15.4A 5512

Carbon County

Colloquy and waiver of right form—Gagnon II hearings; no. 119 MI 03 5513

Guideline for juvenile placement visits outside reasonable travel time; no. 120 MI 03 5513

Procedure concerning providing court-appointed counsel in summary offenses; no. 121 MI 03 5514

Revision of adult probation/parole department firearms policy; no. 74 MI 99 5515

Lehigh County

Adoption of local rule of civil procedure 205.3—fee to provide electronic filing services; 2003-J-43 5525

Snyder County

Amendment of local rules; no. MC-55-2003 5526

RULES OF CIVIL PROCEDURE

Promulgation of rules of civil procedure governing motion practice; no. 401 civil procedural rules; doc. no. 5 5506

EXECUTIVE AGENCIES

DEPARTMENT OF BANKING

Notices

Action on applications 5527

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Notices

Conservation and Natural Resources Advisory Council meeting 5528

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices

Applications, actions and special notices 5528

Availability of technical guidance 5572

Laboratory Accreditation Advisory Committee and Certification Program Advisory Committee joint meeting 5573

Proposed general permit WMGR096 to beneficially use residual waste 5573

Proposed State implementation plan revision; vehicle emissions inspection/maintenance program; changes for the Philadelphia and Pittsburgh regions; public hearings 5574

DEPARTMENT OF GENERAL SERVICES

Notices

State contracts information 5588

DEPARTMENT OF HEALTH

Notices

Applications for exception:

Eagleville Hospital 5574

Jennersville Regional Hospital 5575

Keystone Kidney Center 5575

Montrose General Hospital 5575

North Shore Endoscopy Center 5576

Philadelphia Spinal Care Institute 5576

Reading Surgery Center 5576

St. Luke's Hospital, St. Luke's Miners Memorial and St. Luke's Quakertown 5577

Select Specialty Hospital @ Graduate Hospital in Philadelphia 5577

Warren General Hospital 5577

Westmoreland Health System 5577

Requests for exception; long-term care nursing facilities 5578

DEPARTMENT OF TRANSPORTATION

Notices

Finding 5578

GAME COMMISSION

Notices

Environmental assessment 5579

INDEPENDENT REGULATORY REVIEW COMMISSION

Notices

Actions taken by the Commission 5579

Notice of comments issued 5580

Notice of filing of final rulemakings 5582

INSURANCE DEPARTMENT

Notices

Bergman, Paul G.; hearing 5583

GE Life and Annuity Assurance Company; request for authority to increase rates for individual standardized Medicare supplement plans; rate filing 5583

Insurance Services Office, Inc.; homeowners loss cost level revision; rate filing 5583

Preferred Professional Insurance Company; physicians and surgeons liability rate filing 5583

Review procedure hearings; cancellation or refusal of insurance 5584

State Farm Fire and Casualty Company; automobile insurance revised rates and rules; rate filing 5584

State Farm Mutual Automobile Insurance Company; automobile insurance revised rates and rules; rate filing 5584

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5498

LIQUOR CONTROL BOARD

Notices

Expiration of leases 5585

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Notices

Service of notice of motor carrier applications 5586

Telecommunications (3 documents) 5586, 5587

Water service 5587

PHILADELPHIA REGIONAL PORT AUTHORITY

Notices

Request for bids 5587

READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

Adoption, Amendment or Repeal of Regulations

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances where the agency may omit the proposal step; they still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

Bulletin before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

Citation to the *Pennsylvania Bulletin*

Cite material in the *Pennsylvania Bulletin* by volume number and page number. Example: Volume 1, *Pennsylvania Bulletin*, page 801 (short form: 1 Pa.B. 801).

Pennsylvania Code

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

How to Find Documents

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

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Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2003.

1 Pa. Code (General Provisions)		216	4393
Proposed Rulemaking		217	4393
301	3501	218	4393
303	3501	219	4393
305	3501	220	4393
307	3501	221	4393
309	3501	223	4393
311	3501	224	4393
		225	4393
		226	4393
		227	4393
		228	4393
		230	4393
		240	4393
		271	2880
		287	2880
4 Pa. Code (Administration)		Proposed Statements of Policy	
Adopted Rules		16	5202
1	1452, 3476, 4063, 4065		
5	3478, 3480, 3600		
6	4886, 5070		
7	3483, 3486, 3989		
Proposed Rulemaking			
243	892		
249	892		
Statements of Policy			
1 (with correction)	1624		
9	34, 760, 1722, 2984, 3510, 3615, 4178, 4689, 4787, 5083, 5322		
7 Pa. Code (Agriculture)		28 Pa. Code (Health and Safety)	
Adopted Rules		Adopted Rules	
21	1329	912	2865
59	4445	1101	4900
106	541	1103	4900, 5080
		1105	4900
		1107	4900
		1109	4900
		1113	4900
Statements of Policy		Proposed Rulemaking	
133	2172	25	2169
		1001	4450
		1003	4450
		1005	4450
		1007	4450
		1051	4450
17 Pa. Code (Conservation and Natural Resources)		Statements of Policy	
Adopted Rules		107	4789
23	21		
51	4669		
22 Pa. Code (Education)		31 Pa. Code (Insurance)	
Adopted Rules		Adopted Rules	
4	255, 283	115	346
403	2980	165	24
Proposed Rulemaking		Proposed Rulemaking	
4	1847	84d	4297
11	4300	146c	4917
14	4306		
73	2885		
215	882		
25 Pa. Code (Environmental Protection)		34 Pa. Code (Labor and Industry)	
Adopted Rules		Adopted Rules	
86	3608	65	25
93	1226, 1227, 5415, 5418, 5420	101	4674
130	5297		
Proposed Rulemaking		37 Pa. Code (Law)	
86	4554	Adopted Rules	
89	4554	11	4074
93 (with correction)	4165, 5190	13	4074
109 (with correction)	1234, 1239, 1350, 3609, 3730	14	4074
215	4393	21	4074
		31	4074
		33	4074

5502

41 4074
 51 4074
 53 4074
 55 4074
 56 4074
 58 4074
 59 4074
 421 353
 431 1617

Proposed Rulemaking

203 1246

49 Pa. Code (Professional and Vocational Standards)

Adopted Rules

9 28
 36 358, 2476, 2869
 49 1346

Proposed Rulemaking

1 4685
 3 4685
 9 1116
 13 1358, 4569
 19 1124, 4687
 21 4462
 23 1118, 1120, 4464
 31 1359
 35 4571
 40 1715

Statements of Policy

27 5202

52 Pa. Code (Public Utilities)

Proposed Rulemaking

53 1106
 54 31
 57 (with correction) 2064, 4921, 5201
 59 2064

55 Pa. Code (Public Welfare)

Adopted Rules

183 4161
 1101 (with correction) 361
 4225 1051
 4226 1051

58 Pa. Code (Recreation)

Adopted Rules

51 1348
 53 1228
 61 1229
 63 1468, 4447
 65 1229, 3496, 4074
 69 1230, 3496
 71 4447
 73 4447
 75 3496
 77 3496
 91 1348, 3496, 3497
 93 1348
 109 3497
 111 1231, 3496
 117 3497
 131 5314
 135 2748, 2871, 5315
 137 (with correction) 1470, 1471
 139 2872, 2878
 141 (with correction) 1473, 2749, 2751, 2752, 2753,
 2871, 5316, 5317, 5318

143 1475, 2753, 5314, 5319
 147 1714, 2748, 2754, 5314, 5320

Proposed Rulemaking

51 3126, 5081
 61 2757, 3992, 4076
 63 2757, 2762, 3126, 3992, 5081
 65 1479, 2757, 2760, 3127, 3992, 4076
 69 1479, 2757, 3127, 3992
 71 2762
 73 2762
 75 1479
 77 1479
 91 1482
 93 5081
 97 3127
 105 4077
 109 1482
 111 1479
 117 1482
 131 2589
 135 1350, 2763
 137 4680
 139 1098, 1103
 141 1103, 1351, 1353, 1355, 1357, 2590, 2591,
 2881, 2882, 4680
 143 1357, 1484, 2589, 2883
 147 1350, 2589, 2884, 4682
 147b 4682
 147c 4682

Statements of Policy

57 3513

Proposed Statements of Policy

57 1487

61 Pa. Code (Revenue)

Adopted Rules

34 2756
 71 1842
 85 1842
 815 1845
 951 3124

64 Pa. Code (Securities)

Adopted Rules

102 (with correction) 3365, 3500
 202 (with correction) 3365, 3500
 203 (with correction) 3365, 3500
 204 (with correction) 3365, 3500
 207 (with correction) 3365, 3500
 305 (with correction) 3365, 3500
 606 (with correction) 3365, 3500

Proposed Rulemaking

102 884
 202 884
 203 884
 204 884
 207 884
 305 884
 606 884

67 Pa. Code (Transportation)

Adopted Rules

177 2479, 3608
 449 2378

Proposed Rulemaking

83 4171
 175 4175
 201 1930
 203 1930
 211 1930
 212 1930

Statements of Policy

102 1624
 204 1361

Proposed Statements of Policy

41 2889

201 Pa. Code (Rules of Judicial Administration)

Adopted Rules

3 2044
 7 634
 17 1926
 19 1711

204 Pa. Code (Judicial System General Provisions)

Adopted Rules

29 4783, 5173
 83 4891, 5412
 85 967
 211 4784
 401 4430

Proposed Rulemaking

81 3306
 83 744, 2857
 401 2468

207 Pa. Code (Judicial Conduct)

Adopted Rules

4 3359
 51 3359
 121 1449

Proposed Rulemaking

4 2474
 51 745

210 Pa. Code (Appellate Procedure)

Adopted Rules

1 2586
 21 1711, 2044, 2586
 35 2973, 5075
 65 5075
 67 2973

Proposed Rulemaking

15 2259
 17 3603
 19 4552
 21 4552
 33 3603

225 Pa. Code (Rules of Evidence)

Adopted Rules

IV 2973
 VII 4784

Proposed Rulemaking

IV 197, 2355
 VII 198

231 Pa. Code (Rules of Civil Procedure)

Adopted Rules

200 634, 748, 1712, 2356, 2974, 4071, 5506
 400 2974
 1000 748, 751, 1450, 1926, 2356, 2587, 2974, 5506
 1300 2359
 1910 4072, 4435, 5075
 1920 4072
 1930 13
 2120 751, 1450
 2150 751, 1450
 2170 751, 1450
 2350 1927
 2950 2974
 2970 2974
 3000 2974
 4000 748, 2974, 5506

Proposed Rulemaking

200 3361
 1000 5174, 5175
 1910 3490
 1930 1580
 2250 5175
 4000 3362

234 Pa. Code (Rules of Criminal Procedure)

Adopted Rules

1 1324, 4287
 4 969, 1324, 4289
 7 1927, 4436
 10 3363

Proposed Rulemaking

1 967, 1048, 2161
 2 2163
 6 1049, 2164
 7 2161

237 Pa. Code (Juvenile Rules)

Proposed Rulemaking

1 1581
 2 1581
 3 1581
 4 1581
 5 1581
 6 1581
 8 1581

246 Pa. Code (Minor Court Civil Rules)

Adopted Rules

100 2167
 200 4663
 300 3491, 4663
 400 4663
 500 4663

Proposed Rulemaking

200 4892
 300 4892
 400 4892, 5076
 500 4892
 600 753
 1000 753

249 Pa. Code (Philadelphia Rules)

Unclassified 532, 2269, 2360, 2655, 2656, 2745, 3606

252 Pa. Code (Allegheny County Rules)

Unclassified 757

255 Pa. Code (Local Court Rules)

Unclassified 14, 17, 200, 341, 540, 635, 758
873, 874, 875, 878, 879, 880, 1221, 1450, 1713,
1838, 1929, 2045, 2047, 2168, 2270, 2272, 2374,
2375, 2376, 2474, 2588, 2857, 2858, 2862, 2864,
2977, 2978, 3123, 3494, 3728, 3729, 4073, 4159,
4439, 4666, 4785, 4897, 5077, 5078, 5176, 5295,
5296, 5412, 5413, 5512, 5513, 5514, 5515, 5525,
5526

THE GENERAL ASSEMBLY

Recent Actions during the 2003 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2003 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2003 GENERAL ACTS ENACTED—ACT 029 through 030					
029	Oct 23	HB0077	PN2634	60 days	General Local Government Code (53 Pa.C.S.)—initiative of electors seeking consolidation or merger without home rule or with new home rule charter, conduct of referenda and consolidation or merger agreements
030	Oct 23	SB0846	PN1033	immediately	Project 70 lands—Willistown Township, Chester County, release and imposition of restrictions

* denotes an effective date with exceptions

Effective Dates of Statutes

The effective dates specified above for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

Advance Copies of Statutes

Section 1106 of Title 1 of the *Pennsylvania Consolidated Statutes* provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the Laws of Pennsylvania are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services shall distribute advance sheets of the Laws of Pennsylvania to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore—PHMC, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0053, accompanied by a check or money order in the sum of \$20, payable to the “Commonwealth of Pennsylvania.”

ROBERT W. ZECH, Jr.,
Director
Legislative Reference Bureau

[Pa.B. Doc. No. 03-2139. Filed for public inspection November 7, 2003, 9:00 a.m.]

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CHS. 200, 1000 AND 4000]

Promulgation of Rules of Civil Procedure Governing Motion Practice; No. 401 Civil Procedural Rules; Doc. No. 5

Order

Per Curiam:

And Now, 24th day of October, 2003, the Pennsylvania Rules of Civil Procedure are amended as follows:

(1) Rules 205.2, 206.1, 206.4, 206.5, 210, 239, 1028, 1034, 1035.2, 4012 and 4019 are amended to read as follows, and

(2) New Rules 208.1 through 208.4 and 239.1 through 239.8 are promulgated to read as follows.

Whereas prior distribution and publication of these rules and amendments would otherwise be required, it has been determined that immediate promulgation is required in the interest of justice and efficient administration.

This order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective nine months after the date this Order was promulgated.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 205.2. Filing Legal Papers with the Prothonotary.

No pleading or other legal paper that complies with the Pennsylvania Rules of Civil Procedure shall be refused for filing by the prothonotary based on a requirement of a local rule of civil procedure or judicial administration, including local Rules 205.2(a) and 205.2(b).

Official Note: Rule 239.1(a) authorizes each court of common pleas to impose requirements governing the physical characteristics of pleadings and other legal papers. Rule 239.1(a) requires each court which has imposed requirements to promulgate a local rule, numbered Local Rule 205.2(a), listing the requirements.

Similarly, Rule 239.1(b) also authorizes each court to require pleadings and other legal papers to be accompanied by a cover sheet. Rule 239.1(b) requires each court which has imposed the requirement to promulgate a local rule, numbered Local Rule 205.2(b), stating the requirement and setting forth the form of the cover sheet.

Any local rule which has been promulgated must be published on the web site of the Administrative Office of Pennsylvania Courts (www.aopc.org).

Rule 206.1. Petition. Definition. Content. Form.

(a) As used in this chapter, "petition" means

(1) an application to open a default judgment or a judgment of non pros, and

(2) any other application which is designated by local rule, numbered Local Rule 206.1(a), to be governed by Rule 206.1 et seq.

Official Note: A petition for relief from a judgment by confession is governed by Rule 2959.

Motions are governed by Rule 208.1 et seq.

Rule 206.1(a)(2) authorizes each court of common pleas to designate applications which are to proceed in the manner of a petition under Rule 206.1 et seq. Rule 239.2(a) requires each court which has made that designation to promulgate a local rule, numbered Local Rule 206.1(a), listing the applications to be determined pursuant to Rule 206.1 et seq. Any local rule which has been promulgated must be published on the web site of the Administrative Office of Pennsylvania Courts (www.aopc.org).

(b) A petition shall specify the relief sought and state the material facts which constitute the grounds therefor.

[(b)](c) * * *

Official Note: Petitions are subject to Rule 440 governing service of legal papers other than original process, Rule 1023.1 governing the signing of documents, and Rule 1025 governing the endorsement of legal papers. Any requirements of a court relating to the format of a petition and cover sheet must be set forth in local rules numbered Local Rule 205.2(a) and Local Rule 205.2(b).

Rule 206.4. Rule to Show Cause. Alternative Procedures.

* * * * *

(b) The procedure following issuance of the rule to show cause shall be in accordance with Rule 206.7.

Official Note: Subdivisions (b) through (e) of Rule 239.2 require every court to promulgate Local Rule 206.4(c) describing the court's procedures for the issuance of a rule to show cause. Local Rule 206.4(c) shall be published on the web site of the Administrative Office of Pennsylvania Courts (www.aopc.org).

Rule 206.5. Rule to Show Cause. Discretionary Issuance. Stay. Form of Order.

(a) [The rule to show cause procedure prescribed by this rule shall apply if

(1) the relief sought by the petition is the opening of a default judgment or a judgment of non pros, or

(2) the petition is of a type authorized by local rule to be determined pursuant to a rule to show cause, or

(3) the court, upon its own motion or the request of a party, has determined that the issuance of a rule to show cause as to the particular petition will serve the interests of justice.] Rescinded.

* * * * *

Official Note:

* * * * *

The court may provide in the order for the filing of briefs.

(*Editor's Note:* Rules 208.1—208.4 are new. They are printed in regular type to enhance readability.)

Rule 208.1. Motion. Definition. Scope.

(a) As used in this chapter, "motion" means any application to the court for an order made in any civil action or proceeding except as provided by subdivision (b)(1) and (2).

(b)(1) The rules of this chapter shall not apply to the following matters:

- (i) preliminary objections (Rule 1028),
- (ii) motions for judgment on the pleadings (Rule 1034) and for summary judgment (Rule 1035.1 et seq.),
- (iii) requests for special relief, including preliminary injunctions,
- (iv) motions relating to the conduct of the trial, including motions for nonsuit pursuant to Rule 218, motions relating to jury selection, motions to exclude expert testimony pursuant to Rule 207.1, motions in limine, and motions made during the course of the trial,
- (v) motions for post-trial relief (Rule 227.1),
- (vi) motions for delay damages (Rule 238),
- (vii) petitions (Rule 206.1), and
- (viii) petitions for relief from a judgment by confession (Rule 2959).

(2) The rules of this chapter shall not apply to motions arising in the following actions or proceedings:

- (i) asbestos litigation and cases otherwise designated by the court for special management (Rules 1041.1 and 1041.2),
- (ii) actions in replevin (Rule 1071 et seq.),
- (iii) class actions (Rule 1701 et seq.),
- (iv) family law actions (Rules 1901 through 1940.9), and
- (v) proceedings in Orphans' Court.

(c) The rules of this chapter shall not modify the provisions of any other general rule governing a particular motion.

Rule 208.2. Motion. Form. Content.

- (a) A motion shall
 - (1) contain a caption setting forth the name of the court, the number of the action, the name of the motion, and the name of the moving party,
 - (2) be divided into paragraphs numbered consecutively,
 - (3) set forth material facts constituting grounds for the relief sought, specify the relief sought and include a proposed order,
 - (4) include a certificate of service which sets forth the manner of service including the name of an attorney of record for each party that is represented by counsel, the party whom the attorney represents, a "pro se" designation for each party that is unrepresented, and the address at which service was made, and
 - (5) be signed and endorsed.

Official Note: Motions are subject to Rule 440 governing service of legal papers other than original process, Rule 1023.1 governing the signing of documents, and Rule 1025 governing the endorsement of legal papers. Any

requirements of a court relating to the format of a motion and cover sheet must be set forth in local rules numbered Local Rule 205.2(a) and Local Rule 205.2(b).

(b) A motion need not be verified unless verification is required by general rule governing the particular motion or by order of court.

Official Note: Rule 239.3(a) authorizes a court to require that a motion include a brief statement of the applicable authority. Rule 239.3(a) requires each court which has imposed this requirement to promulgate a local rule, numbered Local Rule 208.2(c), stating the requirement.

Rule 239.3(b) also authorizes each court to provide a certification requirement for a motion as uncontested. Rule 239.3(b) requires each court which has imposed this requirement to promulgate a local rule, numbered Local Rule 208.2(d), stating the requirement.

Similarly, Rule 239.3(c) authorizes each court of common pleas to require the moving party in any motion relating to discovery to certify that counsel has conferred or attempted to confer with all interested parties in order to resolve the matter without court action. Rule 239.3(c) requires each court which has imposed this requirement to promulgate a local rule, numbered Local Rule 208.2(e), stating the requirement.

Any local rule which has been promulgated must be published on the web site of the Administrative Office of Pennsylvania Courts (www.aopc.org).

Rule 208.3. Alternative Procedures.

(a) Except as otherwise provided by subdivision (b), the court shall initially consider a motion without written responses or briefs. For a motion governed by this subdivision, the court may not enter an order that grants relief to the moving party unless the motion is presented as uncontested or the other parties to the proceeding are given an opportunity for an argument.

Official Note: Rule 208.3(a) does not prevent a court from denying the moving party's request for relief without the opportunity for an argument where the motion is procedurally defective, is untimely filed or fails to set forth adequate grounds for relief.

Parties may choose to submit responses and briefs at the time of the presentation, provided that copies have been served on every other party. However, parties are not required to do so.

Rule 239.3(d) requires every court to promulgate Local Rule 208.3(a) describing the local court procedure governing motions under this rule. Local Rule 208.3(a) shall be published on the web site of the Administrative Office of Pennsylvania Courts (www.aopc.org).

(b) A court, by local rule, numbered Local Rule 208.3(b), may impose requirements with respect to motions listed in the rule for the filing of a response, a brief or both. Where a response is required, any party opposing a motion governed by Local Rule 208.3(b) shall file the response within twenty days after service of the motion, unless the time for filing the response is modified by court order or enlarged by local rule.

Official Note: Motions are governed by the procedure in subdivision (a) unless the court by local rule designates particular types of motions to be governed by the procedure in subdivision (b).

The twenty-day response period may be extended or reduced by special order of court. A local rule may only extend the time period.

A response shall be filed by any party opposing a motion governed by subdivision (b) even if there are no contested issues of fact because the response is the opposing party's method of indicating its opposition.

Rule 208.3(b) authorizes each court of common pleas to impose requirements of responses and briefs with respect to designated motions. Rule 239.3(e) requires each court which has imposed such requirements to promulgate a local rule, numbered Local Rule 208.3(b), listing the motions and the requirements.

Rule 239.3(e) also provides that Local Rule 208.3(b) must describe the local court procedure governing motions under subdivision (b) and may allow the court to treat the motion as uncontested if a response is not filed.

Any local rule promulgated must be published on the web site of the Administrative Office of Pennsylvania Courts (www.aopc.org).

Rule 208.4. Initial Consideration of Motion. Court Orders. Issues of Disputed Fact.

(a) At the initial consideration of a motion, the court may enter an order that

- (1) disposes of the motion, or
- (2) sets forth the procedures the court will use for deciding the motion which may include one or more of the following:
 - (i) the filing of initial or supplemental responses,
 - (ii) the filing of initial or supplemental briefs,
 - (iii) the filing of affidavits, depositions and the like,
 - (iv) the issuance of a rule to show cause pursuant to subdivision (b) of this rule,
 - (v) the holding of an evidentiary hearing, and
 - (vi) the entry of an order providing for any other procedure for developing the record.

(b)(1) If the moving party seeks relief based on disputed facts for which a record must be developed, the court, upon its own motion or the request of any party including the moving party, may enter an order in the form set forth in paragraph (2) providing for the issuance of a rule to show cause. The procedure following issuance of the rule to show cause shall be in accordance with Rule 206.7.

Official Note: A court will not necessarily utilize the rule to show cause procedure of subdivision (b) because other methods for developing the record, such as the filing of affidavits, may be the most efficient and appropriate manner for developing a record.

(2) The order required by paragraph (1) shall be substantially in the following form:

(Caption)
ORDER

AND NOW, _____, upon consideration of the foregoing motion, it is hereby ordered that

- (1) a rule is issued upon the respondent to show cause why the moving party is not entitled to the relief requested;
- (2) the respondent shall file an answer to the motion within _____ days of this date;
- (3) the motion shall be decided under Pa.R.C.P. No. 206.7;

(4) depositions shall be completed within ___ days of this date;

(5) argument shall be held on _____ in Courtroom _____ of the _____ County Courthouse; and

(6) notice of the entry of this order shall be provided to all parties by the moving party.

By the Court

J.

Official Note: In counties in which an evidentiary hearing is held, the order should be modified by deleting paragraphs (4) and (5) and substituting new paragraph (4) to read as follows:

(4) an evidentiary hearing on disputed issue of material fact shall be held on _____ in Courtroom ___ of the _____ County Courthouse.

The court may provide in the order for disposition upon briefs rather than oral argument.

The court has inherent power to permit forms of discovery other than depositions.

The court may provide in the order for the filing of briefs.

Rule 210. Form of Briefs.

[If briefs are filed they] Briefs shall be typewritten, printed, or otherwise duplicated and endorsed with the name of the case, the court and number and the name **[and]**, address **and telephone number** of the attorney or the party if not represented by an attorney.

Official Note: Rule 239.4 authorizes each court of common pleas to impose additional requirements governing the form and content of a brief. Rule 239.4 requires each court which has imposed such requirements to promulgate a local rule, numbered Local Rule 210, listing the requirements. Any local rule which has been promulgated must be published on the web site of the Administrative Office of Pennsylvania Courts (www.aopc.org).

Rule 239. Local Rules.

* * * * *

(c) To be effective and enforceable:

* * * * *

(7) Any local rules promulgated pursuant to Pennsylvania Rules of Civil Procedure Nos. 239.1 through 239.7 must be numbered in accordance with the requirements of those rules and published on the web site of the Administrative Office of Pennsylvania Courts.

* * * * *

(Editor's Note: Rules 239.1—239.8 are new. They are printed in regular type to enhance readability.)

Rule 239.1. Pleadings and Legal Papers. Local Rules 205.2(a) and 205.2(b).

(a) A court may impose requirements governing the physical characteristics of pleadings and other legal papers. A court which imposes such requirements must promulgate a local rule, numbered Local Rule 205.2(a), listing those requirements.

(b) A court may require pleadings and other legal papers to be accompanied by a cover sheet in the form set forth in the local rule. A court which imposes such requirements must promulgate a local rule, numbered Local Rule 205.2(b), stating the requirements and setting forth the form of the cover sheet.

Rule 239.2. Petitions. Rule to Show Cause. Local Rules 206.1(a) and 206.4(c).

(a) If, pursuant to Rule 206.1(a)(2), a court has designated applications which are to proceed under Rule 206.1 et seq., the court must promulgate a local rule, numbered Local Rule 206.1(a), listing those applications.

(b) Every court shall promulgate a local rule, numbered Local Rule 206.4(c), which describes the court's procedures for the issuance of a rule to show cause.

(c)(1) If a court has by local rule adopted the procedure of Rule 206.6 providing for the issuance of a rule to show cause as of course, Local Rule 206.4(c) shall expressly

(i) state that the rule shall issue as a matter of course pursuant to Rule 206.6, and

(ii) describe the steps that the moving party must take for the rule to issue.

(2) Local Rule 206.4(c) shall also describe the manner by which the court considers a petitioner's request for a stay of execution pending disposition of a petition to open a default judgment.

(d) If a court follows the procedure of Rule 206.5 under which the issuance of a rule to show cause is discretionary, Local Rule 206.4(c)

(1) shall describe the manner in which the request for the issuance of the rule is scheduled, argued, and decided, and

(2) may impose requirements for the filing of briefs addressing whether a rule to show cause should issue.

(e) In addition to the matters set forth in subdivision (b) or (c), Local Rule 206.4(c) may impose requirements upon the moving party to

(1) transmit the original and/or copies of the petition and related legal papers to a judge or other court personnel, and

(2) notify other parties of the date, time and location of a court proceeding.

Official Note: Local Rule 206.4(c) shall not modify the provisions of Rules. 206.1 through 206.2 governing the contents of a petition or answer, Rule 206.3 governing verification, or Rule 206.7 governing the procedure after issuance of a rule to show cause.

Local Rule 206.4(c) shall not alter the form of the order of court required by Rule 206.5(d), which sets forth the dates by which an answer shall be filed and depositions shall be completed, and the date of the final argument. Pursuant to the Note to Rule 206.5(d), the form of the order may be modified to provide for an evidentiary hearing on disputed issue of fact, the use of forms of discovery other than depositions, the filing of briefs, and disposition without oral argument.

Rule 239.3. Motions. Local Rules 208.2(c), 208.2(d), 208.2(e), 208.3(a) and 208.3(b).

(a) A court may impose a requirement that a motion include a brief statement of the applicable authority. A court which has imposed this requirement must promulgate a local rule, numbered Local Rule 208.2(c), stating the requirement.

(b) A court may impose a certification requirement for motions that are presented as uncontested. A court which imposes such a certification requirement must promulgate a local rule, numbered Local Rule 208.2(d), stating the requirement.

(c) A court may require any motion relating to discovery to include a certification signed by counsel for the moving party certifying that counsel has conferred or attempted to confer with all interested parties in order to resolve the matter without court action. A court which requires such a certification must promulgate a local rule, numbered Local Rule 208.2(e), stating the requirement.

(d) Every court shall promulgate a local rule, numbered Local Rule 208.3(a), which describe the court's motion procedure under Rule 208.3(a). Local Rule 208.3(a)

(1) shall describe the manner in which

(i) motions are scheduled, argued and decided and

(ii) emergency motions are scheduled, argued, and decided if they are governed by a different procedure, and

(2) may impose requirements upon a party to

(i) transmit the original and/or copies of the motion and related legal papers to a judge or other court personnel; and

(ii) notify other parties of the time, date and location of a court proceeding.

(e) If, pursuant to Rule 208.3(b), a court has imposed requirements for the filing of a response, a brief or both with respect to designated motions, the court shall promulgate a local rule, numbered Local Rule 208.3(b), which lists those motions and requirements and which describes the court's motion practice under Rule 208.3(b). Local Rule 208.3(b) shall conform to the requirements of subdivision (d) of this rule and may provide that the motion shall be treated as uncontested if a response is not filed.

Rule 239.4. Briefs. Local Rule 210.

A court may impose requirements governing the form and content of a brief. A court which imposes such requirements must promulgate a local rule, numbered Local Rule 210, listing those requirements.

Rule 239.5. Preliminary Objections. Local Rule 1028(c).

(a) Every court shall promulgate a local rule, numbered Local Rule 1028(c), which describes the court's procedures for the disposition of preliminary objections and which

(1) shall set forth the manner in which preliminary objections are scheduled, argued and decided, and

(2) may impose requirements upon a party to

(i) transmit the original and/or copies of the preliminary objections and related legal papers to a judge or other court personnel,

(ii) notify other parties of the date, time and location of a court proceeding, and

(iii) file briefs.

Official Note: Under Rules. 1026 and 1029, an answer to preliminary objections shall be filed within twenty days after service of the preliminary objection whenever preliminary objections raise issues of fact and are endorsed with a notice to plead. This requirement shall not be altered by a local rule.

(b) This rule shall not apply to family law actions governed by Rules 1901 through 1940.9 or actions pursuant to the Eminent Domain Code of 1964.

Rule 239.6. Motion for Judgment on the Pleadings. Local Rule 1034(a).

Every court shall promulgate a local rule, numbered Local Rule 1034(a), which describes the court's procedures for the disposition of a motion for judgment on the pleadings and which

- (1) shall set forth the manner in which motions for judgment on the pleadings are scheduled, argued and decided, and
- (2) may impose requirements upon a party to
 - (i) transmit the original and/or copies of the motion and related legal papers to a judge or other court personnel,
 - (ii) notify other parties of the date, time and location of a court proceeding,
 - (iii) file a response within twenty days after service of the motion, and
 - (iv) file briefs.

Rule 239.7. Motion for Summary Judgment. Local Rule 1035.2(a).

Every court shall promulgate a local rule, numbered Local Rule 1035.2(a), which describes the court's procedures for the disposition of motions for summary judgment and which

- (1) shall set forth the manner in which motions for summary judgment are scheduled, argued and decided, and
- (2) may impose requirements upon a party to
 - (i) transmit the original and/or copies of the motion and related legal papers to a judge or other court personnel,
 - (ii) notify other parties of the date, time and location of a court proceeding, and
 - (iii) file briefs.

Official Note: The procedural requirements of Rule 1035.1 et seq., including the thirty-day period of Rule 1035.3(a) in which to file a response to the motion, shall not be altered by a local rule.

Rule 239.8. Local Rules. Effective Date.

Local rules required by Rules 239.2, 239.3, 239.5, 239.6 and 239.7 shall be promulgated not later than nine months following the date of the Order of the Supreme Court promulgating this rule.

Official Note: The date of the Order promulgating Rule 239.8 was October 24, 2003.

Local requirements under Rules 239.1 through 239.7 are not effective and enforceable unless local rules are published on the web site of the Administrative Office of Pennsylvania Courts. See Rule 239(c)(7).

CHAPTER 1000. ACTIONS AT LAW

Subchapter A. CIVIL ACTION

PLEADINGS

Rule 1028. Preliminary Objections.

* * * * *

(c)(1) A party may file an amended pleading as of course within twenty days after service of a copy of

preliminary objections. If a party has filed an amended pleading as of course, the preliminary objections to the original pleading shall be deemed moot.

(2) The court shall determine promptly all preliminary objections. If an issue of fact is raised, the court shall consider evidence by depositions or otherwise.

Official Note:

* * * * *

[Consult local rules which may contain supplementary procedures governing the filing and disposition of preliminary objections.] Rule 239.5 requires every court to promulgate Local Rule 1028(c) describing the local court procedure governing preliminary objections. Local rule 1028(c) shall be published on the web site of the Administrative Office of Pennsylvania Courts (www.aopc.org).

* * * * *

Rule 1034. Motion for Judgment on the Pleadings.

(a) After the relevant pleadings are closed, but within such time as not to unreasonably delay the trial, any party may move for judgment on the pleadings.

Official Note:

* * * * *

Rule 239.6 requires every court to promulgate Local Rule 1034(a) describing the local court procedure governing motions for judgment on the pleadings. Local Rule 1034(a) shall be published on the web site of the Administrative Office of Pennsylvania Courts (www.aopc.org).

* * * * *

Rule 1035.2. Motion.

* * * * *

Official Note:

* * * * *

Rule 239.7 requires every court to promulgate Local Rule 1035.2(a) describing the local court procedure governing motions for summary judgment. Local Rule 1035.2(a) shall be published on the web site of the Administrative Office of Pennsylvania Courts (www.aopc.org).

CHAPTER 4000. DEPOSITIONS AND DISCOVERY ENTRY UPON PROPERTY FOR INSPECTION AND OTHER ACTIVITIES

Rule 4012. Protective Orders.

(a) Upon motion by a party or by the person from whom discovery or deposition is sought, and for good cause shown, the court may make any order which justice requires to protect a party or person from unreasonable annoyance, embarrassment, oppression, burden or expense, including one or more of the following:

* * * * *

If the motion for a protective order is denied in whole or in part, the court may, on such terms and conditions as are just, order that any party or person provide or permit discovery.

Official Note: Motions for a protective order are governed by the motion rules, Rule 208.1 et seq. A court of common pleas, by local rule numbered Local Rule 208.2(e), may require that the motion contain a certification that counsel has conferred

or attempted to confer with all interested parties in order to resolve the matter without court action.

* * * * *

Rule 4019. Sanctions.

(a)(1) The court may, on motion, make an appropriate order if

* * * * *

(2) A failure to act described in subdivision (a)(1) may not be excused on the ground that the discovery sought is objectionable unless the party failing to act has filed an appropriate objection or has applied for a protective order.

Official Note: Motions for sanctions are governed by the motion rules, Rule 208.1 et seq. A court of common pleas, by local rule numbered Local Rule 208.2(e), may require that the motion contain a certification that counsel has conferred or attempted to confer with all interested parties in order to resolve the matter without court action.

* * * * *

Explanatory Comment

- I. Statewide Practice of Law
- II. Preliminary Objections, Motions for Judgment on the Pleadings and Motions for Summary Judgment
- III. Petitions
- IV. Motions
- V. Additional Provisions
- VI. Effective Date

I. Statewide Practice of Law

The primary obstacle to the statewide practice of law has been the inability of lawyers to learn how each court of common pleas actually operates, particularly with respect to pre-trial applications. New Rules 239.1 through 239.8 and the amendment to Rule 239 adding new subdivision (c)(7) will eliminate this obstacle through three requirements: (1) the promulgation of local rules which describe the steps that litigants must take to have pre-trial matters decided, (2) the use of a standardized numbering system for the local rules, and (3) the publication of the local rules on the web site of the Administrative Office of Pennsylvania Courts (AOPC).

The new rules enable a litigant to obtain the details of a local practice from the AOPC web site by referring to the particular county and the number of the local rule for a specific procedure. For example, new Rule 239.3(c) provides that a court may require any motion relating to discovery to include a certification that counsel has conferred with all interested parties in order to resolve the matter without court action. A common pleas court, which requires such certification, must promulgate a local rule, numbered Local Rule 208.2(e), describing its requirement. Consequently, a litigant can learn from the AOPC web site whether a particular court has promulgated Local Rule 208.2(e) and, if so, the requirements of that rule.

These new rules of civil procedure do not change the practice and procedure relating to pre-trial applications. They are directed to the courts of common pleas which are required to promulgate local rules describing their local practices.

II. Preliminary Objections, Motions for Judgment on the Pleadings and Motions for Summary Judgment

New Rules 239.5, 239.6 and 239.7 impose identical requirements upon every court of common pleas to promulgate local rules which describe the court's procedures for the disposition of preliminary objections (Local Rule 1028(c)), motions for judgment on the pleadings (Local Rule 1034(a)) and motions for summary judgment (Local Rule 1035.2(a)). These local rules must set forth the manner in which preliminary objections and motions for judgment on the pleadings and summary judgment are scheduled, argued and decided. They may impose various requirements including the filing of briefs.

Practice and procedure under the rules of civil procedure governing preliminary objections and motions for judgment on the pleadings or summary judgment remain unchanged.

III. Petitions

Petitions continue to be governed by Pa.R.C.P. 206.1 et seq. Amendments to these rules affect two aspects of petition practice.

First, the scope of the petition rules is set forth in new subdivision (a) of Rule 206.1 which defines the term "petition." As used in these rules governing petition and motion practice, "petition" means an application to open a default judgment or a judgment of non pros and any other application to the court which is designated by local rule, numbered Local Rule 206.1(a), to be governed by the petition rules, Pa.R.C.P. No. 206.1 et seq.

Second, petitions proceed pursuant to a rule to show cause. New Rule 239.2(b) requires every court to promulgate a local rule, numbered Local Rule 206.4(c), which describes the court's procedures for the issuance of a rule to show cause.

IV. Motions

a. Scope and form

New Rule 208.1(a) provides that a motion is any application to the court for an order sought in a civil action or proceeding other than those matters described in Rule 208.1(b)(1) and (2). Examples of excluded matters include preliminary objections, motions for judgment on the pleadings and summary judgment, petitions, motions for special relief and motions for post-trial relief. In addition, the following actions or proceedings are also excluded from operation of the new motion rules: asbestos litigation, actions in replevin, class actions, family law actions and Orphans' Court proceedings.

New Rule 208.2 sets forth very basic form and content requirements for motions. In addition, new Rule 239.3 authorizes the local courts to impose three specific requirements:

1. New Rule 239.3(a) permits a court to promulgate a local rule, numbered Local Rule 208.2(c), requiring that the motion set forth the applicable authority.
2. New Rule 239.3(b) permits a court to promulgate a local rule, numbered Local Rule 208.2(d), imposing a certification requirement for motions that are presented as uncontested.
3. New Rule 239.3(c) permits a court to promulgate a local rule, numbered Local Rule 208.2(e), setting forth a requirement that any motion relating to discovery include a certification that counsel has conferred with all interested parties in order to resolve the matter without court action.

b. *Alternative procedures*

New Rule 208.3 provides two approaches to the disposition of a motion. First, subdivision (a) states that, except as provided by subdivision (b), a motion shall be considered initially by the court without written responses or briefs. New Rule 239.3(d) requires every court to promulgate a local rule, numbered Local Rule 208.3(a), describing the local court procedure governing motions under Rule 208.3(a).

Second, subdivision (b) of Rule 208.3 provides that a court by local rule, numbered Local Rule 208.3(b), may require that a response be filed to the types of motions identified in the local rule and impose briefing requirements. In other words, motions are governed by the simplified procedure of Rule 208.3(a) except for those types of motions which the common pleas court has designated by local rule to be governed by the procedure of Rule 208.3(b) in which responses and briefs may be required.

c. *Disposition of motions*

New Rule 208.4 governs motions filed pursuant to either Rule 208.3(a) or Rule 208.3(b). It provides that at the initial consideration of the motion, the court may enter an order that disposes of the motion or an order that "sets forth the procedures the court will use for deciding the motion". While not intending to limit the procedural options that a court might employ, Rule 208.4(a)(2) catalogs six procedures for use in deciding the motion which might be included in the court's order.

A court may decide that a particular motion is best resolved through a rule to show cause procedure. Subparagraph (iv) of Rule 208.4(a)(2) provides for this option and Rule 208.4(b) sets forth the procedure.

V. Additional Provisions

The following new rules of civil procedure address the obligation of the courts of common pleas to promulgate specific local rules.

a. *Pleadings and other legal papers*

New Rule 239.1(a) allows a court to promulgate a local rule, numbered Local Rule 205.2(a), which imposes requirements governing the physical characteristics of pleadings and other legal papers. Subdivision (b) of the rule allows a court to promulgate a local rule, numbered Local Rule 205.2(b), which requires pleadings and other legal papers to be accompanied by a cover sheet in the form set forth in the local rule.

b. *Briefs*

New Rule 239.4 permits a court to promulgate a local rule numbered Local rule 210, imposing requirements governing the form and content of a brief.

VI. Effective Date

New Rule 239.8 states that the local rules required by Rules 239.2, 239.3, 249.5, 239.6, and 239.7 shall be promulgated not later than nine months following the date of the Order of the Supreme Court promulgating the rule.

[Pa.B. Doc. No. 03-2140. Filed for public inspection November 7, 2003, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BEAVER COUNTY

Local Rules of Civil Procedure; No. 10130 of 2001

Order

October 10, 2003

Local Rule L1307 is amended to read as follows.

This Order and the following rule shall be effective 30 days after publication in the *Pennsylvania Bulletin*. The Court Administrator of Beaver County shall submit seven (7) certified copies of the Order and the following to the Administrative Office of Pennsylvania Courts, two (2) to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) to the Civil Procedural Rules Committee of the Pennsylvania Supreme Court, one (1) to the Beaver County Law Library and one (1) to the Prothonotary of Beaver County to be kept for public inspection and copying.

By the Court

ROBERT E. KUNSELMAN,
President Judge

Rule L1307—Amount of Arbitrator's Compensation for Appeal

The amount of compensation of arbitrators to be paid upon an appeal shall be the per diem amount paid to each member of the Board which heard the case. That amount shall be transmitted with the award to the Prothonotary who shall include that amount in the "Notice of Award" given to each party or their counsel.

[Pa.B. Doc. No. 03-2141. Filed for public inspection November 7, 2003, 9:00 a.m.]

BUCKS COUNTY

Order Renumbering Rule of Orphans' Court Procedure 15.4A and Promulgating Rule of Orphans' Court Procedure 15.4A

Order of Court

And Now, this 3rd day of October, 2003, Bucks County Rule of Orphans' Court Procedure 15.4A is hereby renumbered as Bucks County Rule of Orphans' Court Procedure 15.4B.

Furthermore, Bucks County Rule of Orphans' Court Procedure 15.4A is hereby promulgated as follows:

Petitions for involuntary termination of parental rights pursuant to 23 Pa.C.S. § 2511, et seq., shall be accompanied by a completed Orphans' Court Praeceptum for Parental Rights Termination Hearing. Said praecipe shall be in such form as shall be required by the Clerk of the Orphans' Court, and shall be reproduced on tan paper stock.

By the Court

R. BARRY MCANDREWS,
President Judge

[Pa.B. Doc. No. 03-2142. Filed for public inspection November 7, 2003, 9:00 a.m.]

CARBON COUNTY

Colloquy and Waiver of Right Form—Gagnon II Hearings; No. 119 MI 03

Administrative Order 16-2003

And Now, this 24th day of October, 2003, in order to utilize judicial resources but, at the same time, protect the rights of incarcerated defendants, it is hereby

Ordered and Deceed that, effective immediately, the Carbon County Court of Common Pleas hereby Adopts the Colloquy and Waiver of Right Form to be reviewed with incarcerated defendants at the completion of Gagnon I hearings where a prima facie case has been found. All incarcerated defendants who waive their personal appearance at the Gagnon II hearings shall have their Gagnon II hearing held via two-way simultaneous audio-visual communication (video conferencing).

The Carbon County District Court Administrator is Ordered and Directed to do the following:

- 1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.
3. File one (1) certified copy with the Pennsylvania Criminal Procedural Rules Committee.
4. Forward one (1) copy for publication in the Carbon County Law Journal.
5. Forward one (1) copy to the Carbon County Law Library.
6. Keep continuously available for public inspection copies of the Order in the Clerk of Court's Office.

By the Court

RICHARD W. WEBB, President Judge

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA

CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA :

vs.

: NO. CR

Defendant

COLLOQUY AND WAIVER OF RIGHT TO BE PRESENT AT CRIMINAL PROCEEDING

(GAGNON II HEARING)

- 1. Pursuant to Pennsylvania Rule of Criminal Procedure Rule 118, you, as the defendant, have a constitutional right to be present in court for your criminal proceeding, specifically, a Gagnon II Hearing.
2. You may waive your constitutional right to be physically present in court and consent to having the proceeding conducted using two-way simultaneous audio-visual communication (video conferencing).

3. By signing below, you, the defendant, knowingly, intelligently and voluntarily (do) (do not) consent to waive the constitutional right to be physically present in court and have the proceeding conducted using two-way simultaneous audio-visual communication (video conferencing).

ACKNOWLEDGMENT

I, _____, do hereby affirm and attest that I have read or had read to me the aforementioned colloquy and waiver form and that I fully understand my constitutional right to be present at a criminal proceeding and my right to waive such right and use video conferencing.

Signature of Defendant Date

I, _____, Esquire, Attorney for the Defendant, state that I have advised my client of the contents and meaning of this colloquy and waiver form and that it is my belief that he/she comprehends and understands this form.

Signature of Counsel Date

I, _____, do hereby affirm and attest that I have read and explained the aforementioned waiver form to the defendant.

Signature of Adult Probation/Parole Officer (Witness) Date

[Pa.B. Doc. No. 03-2143. Filed for public inspection November 7, 2003, 9:00 a.m.]

CARBON COUNTY

Guideline for Juvenile Placement Visits Outside Reasonable Travel Time; No. 120 MI 03

Administrative Order 19—2003

And Now, this 24th day of October, 2003, in order to provide uniformity in juvenile placement visitations and ensure effective and efficient use of judicial resources, it is hereby

Ordered and Deceed that, effective immediately, the Carbon County Court of Common Pleas hereby Adopts the following guidelines for visiting juveniles in placements outside reasonable traveling destinations:

- 1. Any juvenile placement review visit requiring more than three (3) hours travel time will be conducted by telephone by the probation officer assigned to the case.
2. The probation officer will complete the monthly progress report used for the placement review by telephone. See Exhibit "A."

The Carbon County District Court Administrator is Ordered and Directed to do the following:

- 1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy with the Pennsylvania Juvenile Procedural Rules Committee.

4. Forward one (1) copy for publication in the *Carbon County Law Journal*.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of the Order in the Juvenile Court Office.

By the Court

RICHARD W. WEBB,
President Judge

**CARBON COUNTY JUVENILE PLACEMENT
REVIEW
MONTHLY PROGRESS REPORT**

Name: _____ PO: _____

Judge: _____

Placement: _____ Start Date: _____

Anticipated length of placement: _____ Placement

Review Date: _____

Reason for Placement visit: _____

Date of Phone Contact: Placement Staff: _____
Individual: _____
Family: _____

Goals/Progress/Adjustment of Placement:

- _____ Recently placed. Too early to tell if progress has been made.
- _____ Adjustment to placement is good _ fair_ poor _ .
- _____ Progress on goals is noted. Staff indicated he/she is doing well with counseling and responsibility.
- _____ Staff indicated he/she is doing well with Staff Intervention and he/she is responding to staff input.
- _____ Participation in school is adequate. Grades are good.
- _____ Home visit made since last report. Parent indicates it went positively.
- _____ Parent involvement has been adequate.
_____ Parent visit to facility made on: _____
- _____ Other: _____

- _____ Potential for early release—Explain _____

Date Released: _____

[Pa.B. Doc. No. 03-2144. Filed for public inspection November 7, 2003, 9:00 a.m.]

CARBON COUNTY

Procedure Concerning Providing Court-Appointed Counsel in Summary Offenses; No. 121 MI 03

Administrative Order No. 17-2003

And Now, this 24th day of October, 2003, in order to clarify various issues involving the appointment of counsel in summary offenses, it is hereby

Ordered and Decreed that the following is a clarification of procedures:

1. *Right to Counsel.* In any summary trial or hearing before a District Justice in which the District Justice has determined there is a likelihood of imprisonment, the Defendant shall be advised that he/she has the right to retain counsel and that if he/she does not have the financial ability to retain counsel, counsel will be appointed by the Court. Defendants seeking court-appointed counsel will be directed to report to the Public Defender's Office to determine eligibility. Failure to report as directed may result in the denial of court-appointed counsel. Upon establishment of financial eligibility, counsel will be appointed for the District Justice's summary trial or contempt hearing. Counsel's appointment will terminate at the conclusion of the summary hearing or contempt hearing, unless the District Justice sentences the Defendant to a period of incarceration and an appeal is timely taken.

2. *Notice of Appeal.* In any case in which a District Justice has imposed a sentence of imprisonment and an appeal has been filed to the Court of Common Pleas, Defendant may file the Notice of Appeal without the payment of the Appeal costs if court-appointed counsel was provided at the District Justice level. If court-appointed counsel was not provided at the District Justice level, Defendant must pay the requisite Appeal fees unless a Petition to Proceed in Forma Pauperis is filed concurrently with the Notice of Appeal. The Judge to whom the underlying Appeal is assigned will determine whether Defendant must ultimately pay Appeal costs.

It Is Further Ordered and Decreed that the Carbon County District Court Administrator is *Ordered and Directed* to do the following:

- 1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.
- 2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
- 3. File one (1) certified copy with the Pennsylvania Criminal Procedural Rules Committee.
- 4. Forward one (1) copy for publication in the *Carbon County Law Journal*.
- 5. Forward one (1) copy to the Carbon County Law Library.
- 6. Keep continuously available for public inspection copies of the Order in the Clerk of Court's Office and District Court Offices.

By the Court

RICHARD W. WEBB,
President Judge

[Pa.B. Doc. No. 03-2145. Filed for public inspection November 7, 2003, 9:00 a.m.]

CARBON COUNTY

Revision of Adult Probation/Parole Department
Firearms Policy; No. 74 MI 99

Administrative Order No. 20-2003

And Now, this 24th day of October, 2003, it is hereby

Ordered and Decreed that, effective thirty (30) days after publication in the *Pennsylvania Bulletin*, that the Carbon County Court of Common Pleas hereby Revises the Adult Probation/Parole Department Firearms Policy applicable to all members of the Carbon County Adult Probation Department since its inception on December 13, 1999. This revised policy incorporates the Use of Force Policy originally filed to 083 MI 96.

The Carbon County District Court Administrator is Ordered and Directed to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy with the Pennsylvania Criminal Procedural Rules Committee.

4. Forward one (1) copy for publication in the *Carbon County Law Journal*.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of the Order and Rule in the Clerk of Court's Office.

By the Court

RICHARD W. WEBB,
President Judge

Purpose

To establish policy and procedure governing the administration of the Carbon County Adult Probation/Parole Department's firearms program.

Applicability

To the Chief Adult Probation/Parole Officer, the Deputy Chief Adult Probation/Parole Officer and all Adult Probation/Parole Officers.

Definitions

As utilized in this document, the following definitions shall apply:

1. *Arrest*: The physical taking of a person into custody and restraining them until they can be brought before the court to answer the violations alleged against them.

2. *Attack Management*: Shielding, distance and movement.

3. *Attack Potential*: The immediate and simultaneous existence of intent, weapon, delivery system and target.

4. *Center of Mass*: The center of the three largest vital areas available, upper torso, brain and pelvic girdle.

5. *Certification*: The assignment of a certification number to a probation/parole officer after successful completion of a mandatory basic training course from the County Probation and Parole Officers' Firearm Education and Training Commission.

6. *Deadly Force*: As defined in Pennsylvania Crimes Code, 18 P. S. § 501, which states: "Force, which, under circumstances in which it is used, is readily capable of causing death or serious bodily injury."

7. *Debriefing*: A concise review of an event, conducted by all participating departments and ancillary agencies. It is the process of reviewing all aspects of an event, by all participants, to assess strengths, weaknesses, problems or concerns relevant to the actions employed in correlation to anticipated and actual outcomes.

8. *Defense of Life Rule*: The use of deadly force only in those circumstances in which a person cannot safely disengage and where deadly force is required to stop and render a person incapable of continuing life threatening actions.

9. *Delivery System*: The opportunity to place someone in jeopardy.

10. *Displaying a Firearm*: The clearing from a holster (unholstering) a firearm or brandishing a holstered weapon in a manner in which a reasonable person could perceive a use of force threat.

11. *Excessive Force*: Force, which is unreasonable in the performance of an act otherwise lawful; or, force used in making an arrest in excess of the force reasonably necessary to effect control of a subject.

12. *Firearm*: Any pistol or revolver with a barrel less than twelve inches, any shotgun with a barrel less than twenty-four inches, or any rifle with a barrel less than fifteen inches (See 18 Pa.C.S. § 6102).

13. *Force*: The impetus of power; physical power of strength, exerted against a person and employed without their consent for the purpose of controlling the person while maintaining a position of advantage.

14. *Handgun*: A revolver or pistol designed to be fired with one hand.

15. *Impairment*: A condition, which can affect judgment, reaction time or motor skills as it may affect the ability to handle a firearm safely.

16. *Intent*: The means to place someone in jeopardy.

17. *Magazine*: A receptacle where rounds are stored for use in a pistol.

18. *Peace Officer*: Any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses, or any person on active State duty pursuant to section 311, of the Act of May 27, 1949 (P. L. 1903, No. 568), also known as "The Military Code of 1949." Also, see 18 Pa.C.S. § 501 as applied to probation officers in 61 Pa.C.S. § 309.1.

19. *Pistol*: A semi-automatic handgun.

20. *Preclusion*: Fast assessment to determine if a lower level of force would be inappropriate, ineffective and to disengage is not possible.

21. *Self-Defense*: That action taken to nullify an attack when based on a reasonably founded belief that either death, serious bodily injury or other injury will occur because of the existence of a clear and present danger. Self-defense may be personal or instituted for the protection of another person.

22. *Serious Bodily Injury*: As defined in the Pennsylvania Crimes Code, 18 P. S. § 2301, which states: "Bodily injury which creates a substantial risk of death or which

causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.”

23. *Striation*: A thin narrow, groove or channel caused by constant friction.

24. *Target*: A person or thing at which force may be directed or used.

25. *Target Identification*: An empirical verification of a person or thing at which force may be directed or used.

26. *Target Isolation*: The ability to segregate a target from surrounding people or objects.

27. *Use of Force*: As defined by the Pennsylvania Crimes Code, 18 P.S. § 508, Use of Force in Law Enforcement, which states:

(a) Peace Officer's Use of Force in Making Arrest:

(1) A peace officer, or any person whom he has summoned or directed to assist him, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force, which he believes to be necessary to effect the arrest, and of any force, which he believes to be necessary to defend himself or another from bodily harm while making the arrest. However, he is justified in using deadly force only when he believes that such force is necessary to prevent death or serious bodily injury to himself or such other person, or when he believes both that:

(i) such force is necessary to prevent the arrest from being defeated by resistance or escape; and

(ii) the person to be arrested has committed or attempted a forcible felony or is attempting to escape and possesses a deadly weapon, or otherwise indicates that he will endanger human life or inflict serious bodily injury unless arrested without delay.

(2) A peace officer making an arrest pursuant to an invalid warrant is justified in the use of any force which he would be justified in using if the warrant were valid, unless he knows that the warrant is invalid.”

28. *Use of Force Model*: The Use of Force Paradigm for Enforcement and Corrections as developed and defined by John Desmedt of the Protective Safety System.

29. *Weapon*: Includes handguns and firearms. It also includes any other instruments of offensive or defensive combat use or designated as being capable of causing injury to another person.

30. *Weapon-Carrying Officer*: A county probation/parole officer who is authorized to carry a weapon in connection with performance of the duties of his employment.

Authority and Policy Statement

Authority: This policy statement has been developed pursuant to and in accordance with statutory requirements, local rules established by the Carbon County Adult Probation/Parole Department and through the formal adoption by the Carbon County Court of Common Pleas through administrative court order.

Policy Statement: The Carbon County Adult Probation/Parole Department and Carbon County Court of Common Pleas recognizes that an element of danger does exist in dealing with criminal offenders and will provide adult probation/parole officers with the opportunity to carry a firearm in order to protect themselves from serious bodily

injury or deadly force. The consideration in the use of force is for the preservation of life and physical safety of the officer, the public and the offender.

Statutory Authority of Adult Probation Officers

Authority of Probation and Parole Officers: Probation and Parole Officers employed by the Court of Common Pleas enjoy police powers over the offenders under their supervision. Section I of Act 277 of 1963 and amended Act 117 (61 P.S. § 309.1) vests probation officers with such police powers. The Act states:

“Probation Officers heretofore or hereafter appointed by any Court of record of this Commonwealth are hereby declared to be peace officers, and shall have police powers and authority throughout the Commonwealth to arrest with or without warrant, writ, rule of process, any person on probation, intermediate punishment or parole under the supervision of said Court for failing to report as required by the terms of his/her probation, intermediate punishment or parole or for any other violation of his/her probation, intermediate punishment or parole.”

Peace Officer: In 1973, with the adoption of the Pennsylvania Crimes Code, a peace officer was defined in 18 P.S. § 501 as:

“... any person who by virtue of his public office or public employment is vested by law to make arrests for offenses whether that duty extends to all offenses or is limited to specific offenses. . . .”

The police powers granted to probation and parole officers are limited. Those powers extend only to persons subject to the jurisdiction of the sentencing common pleas court or as may be granted by another jurisdiction through an Interstate Compact Agreement (61 P.S. § 321 et seq.) or Intercounty Compact Agreement. Therefore, the police power of probation and parole officers differs in scope from that of the police officer.

Arrest Authority: Adult probation/parole officers are empowered to make arrests; however, those powers extend only to offenders under the jurisdiction of the department placed on probation, parole or intermediate punishment (See 61 P.S. § 309.1).

Use of Force Policy

Jurisdiction to Act: The use of any force by adult probation/parole officers will be justified only when the department has jurisdiction. The jurisdiction to act as an authorized adult probation/parole officer is limited to those situations involving offenders under the direct supervision of the department and/or those individuals that are encountered by officers as a direct result of the supervision of the offender.

Purpose of Force: The objective of the use of force by adult probation/parole officers is to establish and maintain lawful control in a timely manner, to minimize the potential for injury to parties directly involved, as well as others. The degree of force authorized is that degree necessary to establish lawful control in a timely manner. This degree of force depends upon the degree of danger or resistance perceived by the officer.

Use of Force Model: The department formally adopts, subscribes and employs The Use of Force Paradigm for Enforcement and Corrections as developed and defined by John Desmedt of The Protective Safety Systems.

Timeliness: Timely means on time and not late. Officers need not wait for injury to occur to themselves or others before taking appropriate action to prevent injury.

Control of the Subject: Control of the subject must be established for the safety of the officer and others in response to perceived danger and when necessary to accomplish duties authorized by law.

Use of Physical Force: Physical force is to be used only in circumstances of justifiable self-protection or the protection of other persons. Adult probation/parole officers should use their discretion in using physical force. When possible, officers should consider withdrawing from the situation and securing assistance. If physical force is used, the officer shall only use the minimum force necessary to control the situation.

Officer Identification: If circumstances permit, the officer must make their identity as an adult probation/parole officer known.

Verbal Warning: Whenever possible, the officer must exercise persuasion, advice and warning before using physical force. If such verbal control would be (or is found to be) ineffective, the officer may use physical force to accomplish a lawful purpose.

Use of Force Considerations: Officers shall consider the following when employing force:

1. Subject's immediate threat to safety.
2. Subject's active resistance or attempt to escape.
3. Severity of the crime involved.
4. An officer's ability to disengage.
5. The circumstances existing at the moment force is used.
6. The tactics employed by an officer that may have caused a use of force decision to become necessary.

Reasonable Control Guidelines: When using force, officers must:

1. Match force to the subject's resistance.
2. Correctly apply techniques and equipment appropriate to that force level.
3. Apply alternative options if tactics fail to establish control.

Use of Excessive Force: The use of excessive force is prohibited by Federal and State laws. Violation of these laws can carry both civil and criminal penalties. Officers will be held accountable for the use of force.

Administration of First Aid: When an officer uses force on an offender and injuries result, the officer shall:

1. Contact the Carbon County Communications Center for assistance from medical and law enforcement personnel.
2. Contact the Chief Adult Probation/Parole Officer or immediate supervisor.
3. Render first aid to the injured subject. Officers must remember that they are responsible for administering first aid treatment to an injured subject.

Use of Force Test: The use of force is based upon determining what force a reasonable officer at the scene would have used under the circumstances (See *Graham v. Conner*, 109 S.Ct. 1865, 1989).

Immunity of Adult Probation/Parole Officers

Assistance of Law Enforcement Personnel: In accordance with 42 Pa.C.S. § 8332.8(A), the Carbon County Court of Common Pleas hereby authorizes the Chief Adult Probation/Parole Officer and/or the Deputy Chief Adult Probation/Parole Officer to grant permission to any Car-

bon County Adult Probation/Parole Officer requesting to assist state or local police departments or any other county probation officers in the lawful performance of their duties. Such assistance shall be considered to be acting within the scope of his official duty for all purposes of law and shall enjoy any benefit or immunity conferred upon an employee of Carbon County. Adult Probation/Parole Officers must obtain prior permission from the Chief or Deputy Chief before assisting any law enforcement agency or other county probation department.

Assistance of Criminal Victims: In accordance with 42 Pa.C.S. § 8332.8(B), all Carbon County Adult Probation/Parole Officers appointed by the Carbon County Court of Common Pleas are entitled to immunity under 42 Pa.C.S. § 8331.3 (relating to criminal victim aid good Samaritan civil immunity) as a result of providing assistance to a victim of a crime, shall be considered to be acting within the scope of his official duty while providing assistance to the victim for all purposes of law and shall enjoy any benefit or immunity conferred upon an employee of Carbon County.

1. *Criminal Victim Aid Good Samaritan Civil Immunity:* Pursuant to 42 Pa.C.S. § 8331.3, any person who provides or obtains or attempts to provide or obtain assistance for a victim of a crime involving death, serious physical injury, robbery, burglary, kidnapping, rape, statutory sexual assault, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault or indecent assault at the scene of the criminal act or attempted criminal act shall not be liable for any civil damages as a result of any acts or omissions in providing or obtaining or attempting to provide or obtain assistance, except any acts or omissions designed to harm or any acts or omissions that constitute gross negligence or willful, wanton or reckless conduct. Any Carbon County Adult Probation/Parole Officers witnessing any of the above mentioned criminal acts do not need to obtain prior permission from the Chief or Deputy Chief to assist victims of these criminal acts.

Deadly Force Policy

Serious Bodily Injury: The operational definition of serious bodily injury, as defined by the Use of Force Model is:

1. An open gash or wound;
2. Major broken bones; and/or
3. Damage to internal organs.

Use of Deadly Force: The use of deadly force by officers shall be strictly limited to defensive situations. If appropriate, officers shall exhaust all other types of force before resorting to the utilization of deadly force. However, officers may employ deadly force as a last resort, when they perceive an immediate danger of loss of life or serious bodily injury.

Justifiable Use of Deadly Force: When the use of deadly force is justified, officers discharging weapons shall not shoot to kill nor shoot to wound, but rather to stop the action by causing the instant incapacitation of the subject. For maximum stopping effectiveness and to minimize the danger to innocent bystanders, officers should shoot at center body mass.

Offensive Posture: Officers shall not utilize deadly force in an offensive posture to effect the apprehension of those persons who commit violations of probation, parole or intermediate punishment, or any other law amounting to summary, misdemeanor or felony offenses, which do not present the threat of death or serious bodily injury.

Nothing contained in this policy statement shall preclude the use of deadly force for self-defense, when warranted.

Verbal Warning: When practical, and if the time and opportunity exists in a deadly force situation, officers shall identify themselves as adult probation/parole officers and give some type of warning prior to the use of deadly force.

Requirements for Righteous Deadly Force: Officers shall consider the following:

1. Accurately assessing a subject's imminent potential for attacking in a life-threatening manner (attack potential); the immediate and simultaneous existence of intent, weapon, delivery system and target.

2. Articulating why an officer feared for their life or someone else's when deadly force action was taken.

3. Explaining why a lower level of force was inappropriate, ineffective and disengagement was not possible.

Target Identification and Isolation: Officers shall consider the following factors when making a decision to use deadly force:

1. Officers facing a decision to use deadly force must be aware of any innocent third parties that may be present in or near the line of fire.

2. Officers are prohibited from discharging their firearms when they cannot identify their target and it appears reasonably and likely that an innocent person(s) may be injured, unless the prohibition in discharging the firearm is likely to result in the immediate death or serious bodily injury of the officer or another person.

3. Officers shall establish target identification and target isolation.

Use of Excessive Force: See Page 5 of this policy statement.

Administration of First Aid: See Page 5 of this policy statement.

Disengagement: Whenever possible, and if the time and opportunity exists, officers shall utilize shielding, distance and movement (attack management) to disengage from a situation before resorting to deadly force.

Warning Shots: Warning shots are strictly prohibited under all circumstances.

Rescue Shots: Officers may use a rescue shot for the purpose of identifying location and/or acquiring appropriate assistance.

Critical Incident Report

Subject Control Report: A Subject Control Report shall be completed whenever an officer is compelled to use force on a subject who, under the "Use of Force Model," is considered a resister or assailant or upon the request of an immediate supervisor. Also, when practical, this report shall be completed within twenty-four hours of occurrence of the incident. If circumstances do not permit the report to be completed within the established time frame, then the report should be completed as soon as circumstances permit (See page 23 of this policy statement). Also, the following shall apply to subject control reports:

1. Acknowledging that an event or incident shall be reported based upon the perceptions, interpretations, stress- levels and state-of-mind of each individual involved. A subject control report shall be regarded as one source of information subject to review.

2. A subject control report should be written as factual as possible within an atmosphere of tolerance and understanding for possible gaps in memory.

3. All subject control reports are the property of the department and shall not be filed in the employee personnel file.

4. All subject control reports shall be considered confidential, and not of public record.

Garrity Right: When a supervisor requests that an officer complete a subject control report, then the officer must complete the report within the established time constraints of this policy statement. Failure by the officer to complete a subject control report will expose the officer to disciplinary action, up to and including termination [See *Garrity v. New Jersey*, 385 U.S. 493 (1967)]. However, if a criminal investigation is pending against the officer, then a subject control report will not be required. All reports of the investigating police officer will be obtained by the Chief and substituted for the subject control report.

Debriefing

Necessity and Timing of Meeting: A debriefing shall be convened whenever an officer is compelled to use force on a subject who, under the "Use of Force Model," is considered a resister or assailant or upon the request of an immediate supervisor or officer involved with the incident. Also, when practical, this meeting shall be held within twenty-four hours of occurrence of the incident. If circumstances do not permit the meeting to be held within the established time frame, then the meeting shall be held as soon as circumstances permit. This structured meeting can either be in a one on one situation or in a small group with a supervisor [Chief or Deputy Chief] present. The performance of the officer(s) should be evaluated, with appropriate recommendations for corrective action being referred to the Chief Adult Probation/Parole Officer, if necessary.

Authorization to Carry Firearms

Authorization to Carry a Firearm: All adult probation/parole officers with peace officer status can request authorization to become a weapon-carrying officer (See Page 19 of this policy statement).

Requirements to Carry a Firearm: The department shall authorize officers to carry firearms for defensive purposes when the following criteria is met:

1. Successful completion of a criminal background investigation.
2. Successful completion of a psychological examination.
3. Successful completion of the Basic Orientation Academy for Probation/Parole Officers.
4. A written request from the Adult Probation/Parole Officer to the Chief Adult Probation/Parole Officer to carry a firearm.
5. Successful completion of a first aid and CPR course.
6. Successful completion of a defensive tactics and Use of Force course.
7. Successful completion and certification from the County Probation and Parole Officers' Firearm Education and Training Commission.
8. Ability to demonstrate a proficiency in the knowledge, handling, and safety of firearms.

Issuance of Authority to Carry a Firearm: The process of requesting authorization to carry a firearm shall be reviewed by the Chief Adult Probation/Parole Officer who shall consider the following:

1. Demonstrated need to carry a firearm in the performance of their official duties.
2. Physical and emotional condition of the officer.
3. Presence of alcohol-related problems.
4. Signs of emotional instability.
5. Officer under the care of a psychologist or psychiatrist.
6. Current or past disciplinary problems with the officer.
7. Completion of all requirements as outlined on page 7 of this policy statement.

Final Approval: The Chief Adult Probation/Parole Officer will make the final decision. The refusal of a request for authorization to carry a firearm is not appealable. Unless otherwise instructed, an officer may reapply for authorization every six months (See Page 20 of this policy statement).

Officers Not Requesting Authorization To Carry: All officers that were hired prior to the implementation date of this policy statement will have the option to carry a firearm. If an officer decides not to carry a firearm, then he/she must complete the Request Not To Carry a Firearm form and return it to the Chief Adult Probation/Parole Officer. Nothing in this policy statement shall prohibit an officer from requesting authorization to carry at a later time (See Page 21 of this policy statement).

Relinquishing Authorization: Once an officer is authorized to carry a firearm, that officer cannot request relinquishment of that authorization. The decision to carry a firearm is a difficult and moral decision that must be considered carefully by the officer before requesting authorization.

Condition of Employment: All new employees will be required to carry a firearm in the performance of their official duties.

Issuance of the Firearm: Once the officer has completed all training and fulfilled all agency requirements, the Chief Adult Probation Officer shall issue a firearm to the officer and execute the firearm issuance form (See Page 22 of this policy statement).

Firearms Not To Be Carried Without a License: Since adult parole/probation officers are declared peace officers with police powers to arrest offenders in violation of probation, parole or intermediate punishment, a license to carry a firearm during the performance of their official duties is not required. However, the department recommends that all weapon-carrying officers obtain a license to carry a weapon. The officer shall absorb the costs of the permit. Also, according to 18 Pa.C.S. § 6106, states, no person shall carry a firearm in any vehicle or concealed on or about his person, except in his place of abode or fixed place of business, without a license, except, constables, sheriffs, prison or jail wardens, or their deputies, policemen of this Commonwealth or its political subdivisions, or other law-enforcement officers.

Conditions for Carrying a Firearm

Conditions for Carrying Firearms: All weapon-carrying officers shall carry their firearm concealed and under the following circumstances:

1. During an arrest situation.
2. During a search and seizure situation.
3. While conducting field contacts, including after-hour supervision or investigations by assigned on-call personnel.
4. Range qualification and related training, including practice shooting.
5. To and from employment.
6. During the performance of their official duties as an adult probation/parole officer.

Office Setting: While in the office, all weapon-carrying officers shall secure their firearm in the gun security cabinet within the adult probation office. Officers shall be prohibited from carrying their firearm while in the office, unless entering or exiting the building to conduct fieldwork.

Courthouse Setting: While in the Courthouse or Courthouse Annex Building, all weapon-carrying officers shall secure their firearm in the gun security cabinet within the adult probation office. Officers shall be prohibited from carrying their firearm in the courthouse or courthouse annex building, unless entering or exiting the building to conduct fieldwork.

Concealment of Firearm: Firearms are to be carried in a concealed manner on the officer, under an article of clothing. The following exception will apply:

1. When participating in an arrest situation, the officer may position the weapon in an unconcealed manner to enhance accessibility.
2. When participating in range qualification and related training, including practice shooting.

Displaying a Firearm

Displaying a Firearm: Firearms shall not be displayed or drawn for any other reason than described below:

1. During an arrest situation.
2. Justifiable self-protection, the protection of others, assisting law enforcement and/or victims of crime.
3. When the officer perceives an immediate threat of death or serious bodily injury, which may include an attacking animal.
4. Cleaning the firearm, storage and inspection.
5. Range qualification or practice shooting.
6. Storage at a correctional facility, courthouse or other secure facility.

Handling of Firearms

Handling of a Firearm: The continued authorization to carry a firearm will depend on the following:

1. The officer's compliance with agency policy and procedure.
2. The officer's ability to handle the firearm in a safe manner.
3. The officer's ability to conduct themselves in a safe and proper manner while in possession of the firearm.
4. Except for general maintenance, storage or authorized training, officers shall not draw or exhibit their firearms unless circumstances create strong reasonable belief that it may be necessary to lawfully use the weapon.

5. In those situations, the officer shall exercise a reasonable standard of care with the drawn weapon. Reasonable care includes: pointing the muzzle in a safe direction; keeping the trigger finger outside the trigger guard; and under no circumstances shall a weapon capable of double action be cocked for single action use.

6. The use or handling of a firearm by an officer, on or off-duty, in a careless or imprudent manner or the unjustified endangering of human life by a firearm in violation of this policy statement is strictly forbidden and shall result in a disciplinary investigation and may result in the revocation of authorization to carry a firearm.

7. The department does not authorize or recognize the carrying of an agency issued firearm during off-duty hours.

Firearm Safety Considerations: The following regulations apply to all firearms and situations, whether on or off the range, at home or conducting probation/parole activities:

1. Always consider all firearms to be loaded.
2. Never point the muzzle of the firearm across anything, which you are unwilling to shoot.
3. Keep your finger outside the trigger guard until you are ready to shoot.
4. Be certain of your target, target identification and target isolation.
5. When you take a gun from its holster or storage for any other purpose than necessary use, unload it and check to see that it is unloaded three times.
6. A gun is not a toy, do not play with it.
7. Do not use or possess a firearm when drinking or using other substances that alter perception or disposition.
8. Resist the temptation to show off your firearm.
9. Do not loan your firearm to anyone else.
10. When passing a pistol to another individual, make sure the weapon is unloaded, magazine removed, action open, handing it gun grip first.

Storage of Firearms and Ammunition

Storing the Firearm: All weapon-carrying officers shall store their firearm as follows:

1. *In the Field:* When performing fieldwork, firearms are to be concealed on the officer.
2. *In an Automobile:* Firearms shall not be left in a vehicle, trunk, glove compartment, briefcase or other areas of storage, except under the following circumstances.
 - a. When the officer is entering an institution in which a firearms locker is not available.
 - b. When the officer must appear in court in which the courthouse does not allow entrance of an armed officer and there is no firearms locker available.
 - c. Should circumstances arise requiring the emergency or brief storage of a weapon, the containment area must be stationary, locked and be inaccessible to all except the officer.
3. *In the Office:* For purposes of office security and safety, officers are not permitted to carry their firearm in the office, unless entering and exiting to conduct fieldwork. When weapon-carrying officers are assigned to the office for duty days, the firearm must be stored in the gun

security cabinet unloaded, with the key being secured by the officer. Under no circumstances are firearms to be stored in desks or any other location in the office. If weapon-carrying officers do not take their firearms home after normal business hours, then the weapon must be secured in the gun security cabinet, unloaded.

4. *In the Courthouse/Annex Building:* For purposes of courthouse security and safety, officers shall secure their firearm in the gun security cabinet within the adult probation office unloaded. Officers shall be prohibited from carrying their firearm in the courthouse or annex building, unless entering or exiting the building to conduct fieldwork.

5. *Correctional Facilities/Other Courthouses:* When officers enter correctional facilities, other courthouses or any other secure facility, the officer shall secure their weapon in accordance with the facility's regulations.

6. *At Home:* See Page 11 of this policy statement.

7. *Interstate Travel:* When traveling outside the Commonwealth of Pennsylvania, officers are not permitted to carry their firearm into the neighboring state.

8. *In a Public Rest Room:* The officer shall remove his/her duty belt with the firearm in the holster and place the duty belt around the officer's neck. This procedure will ensure that the officer's equipment will not be stolen or forgotten.

Storage of Ammunition: When in the office, the firearm will be unloaded and the ammunition secured separately from the firearm in the gun security cabinet, accessible only to authorized personnel. When at home, the ammunition shall be removed from the firearm and stored in a separate location.

Unattended Firearm: Under no circumstances shall the officer leave his duty weapon unattended while in the office, field, home or any other unsecured locations.

Home Safety

Firearm at Home: All weapon-carrying officers may take their firearms home after normal business hours.

Home Safety: It is essential that the officer assigned to carry a firearm instruct their family members in the proper use and handling of the firearm. It should be made perfectly clear that the firearm is not to be handled by anyone other than the officer or a mature adult. The officer is responsible to educate his family members on the safety and proper handling of the firearm. All firearms should be kept out of the reach of children and immature or irresponsible adults and stored in a secure area. Older children may be given gun instruction with the extent of the training being dependent on the child's maturity and judgment of the parents.

Storage at Home: Immediately upon entering the residence, the firearm should be unloaded, the magazine removed and the firearm and equipment stored in a secure area. Officers are encouraged to store the ammunition, magazines and the firearm in different locations. The firearm must not be left unattended and accessible while in the residence. It shall be the responsibility of the officer to ensure that the firearm is properly secured in a locked cabinet or drawer. The firearm should be kept beyond the reach of small children.

Loaded Firearm: Firearms shall not remain loaded while in the residence. The officer shall immediately unload the weapon when they enter the residence and all ammunition should be kept in a safe location away from

the weapon. All ammunition should be stored in a cool, dry place to prevent deterioration.

Trigger Guards: As a suggestion, a trigger guard lock will secure the firearm from accidental discharge. The key to the trigger guard should be kept on the officer's person at all times.

Unattended Weapon at Home: The officer shall not leave his duty weapon unattended while in their residence. The firearm must be secured at all times.

Loading and Unloading Firearms

Loading Firearms in the Office: The agency has provided all weapon-carrying officers with a gun barrel to load and unload their weapons. When officers are preparing for fieldwork, the officer shall load his firearm in the gun barrel located within the agency as follows:

1. The officer shall notify all agency personnel that he will be loading his weapon.
2. Before loading the weapon, the officer shall clear the entire room of other agency personnel.
3. The officer shall point the barrel of the weapon into the center of the gun barrel and load the weapon.
4. No other agency personnel shall be permitted in the area until the weapon is loaded and secured in the officer's holster.

Unloading Firearms in the Office: When officers return from the field, they shall unload their weapon as outlined above.

Discharge of Firearms

Discharge of a Firearm: The discharge of a firearm is permitted only when an officer reasonably believes that he/she or another person is at risk for serious bodily injury or death and that the deadly force employed by the officer is reasonable and necessary and not excessive by comparison to the type of resistance offered by the offender.

Unholstering: See Page 9 of this policy statement (Displaying a Firearm).

A Discharged Weapon: Any unholstering, discharge or firing of a weapon, other than in a training program, qualification or off-duty practice, must be reported immediately to a supervisor by the officer who discharged the weapon.

Involved Officer(s) Responsibilities: Any time an officer is engaged in an incident, which involves the discharge of a firearm, whether by an agency officer or another person, the following procedure shall apply:

1. Immediately following the incident, secure the scene and make every effort to preserve potentially pertinent evidence.
2. Contact the Carbon County Communications Center for the police department that has jurisdiction and medical personnel, if injuries resulted to any persons at the scene.
3. Notify the Chief Adult Probation/Parole Officer or his designee, if unavailable.

Written Incident Report: The officer must file a written incident report immediately after the discharge to their immediate supervisor. The officer shall provide the exact location and time of the incident; a detailed description of the incident; names and addresses of witnesses; reasons for discharging the weapon; names of any investigating police officers; and any other information that may be

necessary in understanding and investigating the incident. However, if a police investigation has been initiated, the officer(s) involved with the incident will not need to file a written report at this time. The Chief Adult Probation/Parole Officer will obtain a copy of the police report (See page 23 of this policy statement).

Surrendering the Weapon: The officer shall surrender the weapon involved to their immediate supervisor or a requesting police officer involved in the investigation. The officer's weapon shall be confiscated and temporarily suspended until the investigation is completed.

Incidents and Allegations: It is the responsibility of the officer carrying a firearm to report immediately to a supervisor any incidents or situations that may result in allegations being made or complaints filed regarding the use or displaying of a firearm. Other staff that observes an unusual situation involving a firearm must verbally report to an immediate supervisor. The Chief Adult Probation/Parole Officer may request a written report.

Departmental Investigation: The Chief Adult Probation Officer shall receive prompt notification of the incident so that an investigation can be initiated to verify the factual basis surrounding the situation.

Shooting At Moving Vehicles

Shooting at Moving Vehicle Guidelines: Officers shall not discharge a firearm at or from a moving vehicle except under the following circumstances:

1. As a last resort measure of self-defense when the subject is using deadly force by means of other than the vehicle.
2. As a last resort measure of self-defense when a vehicle is being driven in a manner deliberately intended to kill or injure an officer or other party.

Limitations and Consequences Shooting at a Moving Vehicle: In deciding to shoot at a moving vehicle, officers must take into account the following limitations and consequences:

1. The difficulty of hitting a moving target.
2. The possibility of ricochets striking unintended targets.
3. Population densities.
4. The difficulty in penetrating the automobile body and/or steel belted radial tires.
5. The inability to stop a vehicle's momentum even when the target actor is hit.
6. The possibility of damage or injury, which might result from causing the vehicle to go out of control.

Damaged, Lost or Stolen Firearms

Damaged Firearm: Any officer who suspects that his/her issued firearm is damaged shall immediately notify the Chief Adult Probation/Parole Officer. A potentially damaged firearm shall not be carried. The firearm shall be secured and sent to a certified armorer for repairs. During this time, the officer will not carry a firearm until the firearm can be repaired.

Lost or Stolen Firearm: The loss or theft of a firearm shall be immediately reported to the Chief Adult Probation/Parole Officer. This report must be made within twenty-four (24) hours of occurrence, either by telephone or in person. The initial notification will be followed immediately by a written report describing the circumstances surrounding the loss or theft of the firearm. The employee must take immediate and reasonable action to

recover the firearm and obtain all information available to aid in the investigation and recovery of the firearm. Employees must seek assistance from the appropriate law enforcement agency as soon as possible.

Security and Accountability: Officers are directly responsible for the safety and security of authorized firearms. Officers may be required to reimburse the County for the costs of lost, stolen or damaged firearms if:

1. An official investigation establishes that the officer is negligent or otherwise at fault,
2. It is administratively decided that reimbursement is to be made.

Disciplinary Action: Failure to safeguard or otherwise secure firearms may result in disciplinary action. Furthermore, the officer's authorization to carry may be suspended and he/she referred for appropriate levels of training.

Requirement to Notify the Department of Physical and Pharmacological Conditions Affecting the Ability to a Carry Firearm

Impairment: It shall be the responsibility of the weapon-carrying officer to notify their immediate supervisor of any physical or pharmacological conditions causing physical and/or emotional impairment.

Prescriptive Medication: In those instances when an officer is prescribed a medication for an illness or medical condition, it shall be the responsibility of the weapon-carrying officer to notify their immediate supervisor. When an officer believes and/or medical personnel indicate that a medication may affect judgment and/or reaction time, authorization to carry a firearm shall be suspended. Authorization shall be reinstated upon the cessation of the medication and its effects or with a physician's ruling that the medication's potential contraindications would be aversive to handling a firearm safely and proficiently.

Employee Drug Testing Program: All employees of the adult probation/parole officer shall be subject to random drug screens (See Article 56: Carbon County Court System Drug-Free Work Place Policy and Testing Guidelines in the Personnel Policy and Procedure Manual for Court Employees).

Prohibited Use of Officially Issued Firearm

Use of Agency Issued Firearm: Agency issued firearms may only be used for official purposes, in the performance of the officer's official duties. In accordance with this policy statement, weapon-carrying officers, who use agency issued firearms for other than official authorized purposes, shall be subject to disciplinary action, up to and including termination.

Temporary Suspension of Authorization to Carry

Incidents and Allegations: See Page 15 and 16 of this policy statement.

Departmental Investigation: See Page 15 and 16 of this policy statement.

Temporary Suspension of Authorization to Carry: If circumstances arise where an officer's ability to properly handle a firearm is called into question, the Chief Adult Probation/Parole Officer has the duty and authority to immediately remove the officer's agency issued firearm in an effort to provide for the safety of the officer, as well as that of the community. Reasons for a temporary suspension may include, but are not limited to the following:

1. Physical limitation or injury
2. Mental, emotional, or behavioral impairment
3. Allegations of misconduct, negligence, or carelessness
4. Induced impairment due to drugs (illicit or legal), and/or alcohol
5. Unsafe situational tactics
6. Violation of agency policy or procedure
7. Actions which may indicate a staff member's judgment is impaired
8. Violation of the Protection From Abuse Act, 35 P. S. § 10181, as amended, when the Court directs that all weapons be forfeited.

Period of Temporary Suspension: The Chief Adult Probation/Parole Officer shall conduct an investigation into the allegation of improper handling of a firearm. Within thirty (30) days of the alleged allegation, a decision shall be made to:

1. Remove authorization
2. Continue temporary suspension
3. Return firearm

Continued Temporary Suspension: If after thirty (30) days, the Chief Adult Probation/Parole Officer has not completed the investigation, then the temporary suspension may be extended for an additional thirty (30) days.

Removal of Authorization: After completion of the investigation, the Chief Adult Probation/Parole Officer may remove authorization from the officer until he/she can demonstrate an ability to properly handle the firearm in a safe manner and/or has completed training necessary to demonstrate the safe and proper handling of a firearm. This administrative decision is not considered disciplinary action and is for the safety of the officer and the community.

Appeal of Decision: The decision of the Chief Adult Probation/Parole Officer shall be final.

Allegations Involving the Chief Adult Probation/Parole Officer: When any allegations are lodged against the Chief Adult Probation/Parole Officer for violations of this firearm policy, then the Deputy Chief Adult Probation/Parole Officer shall remove the firearm from the Chief and conduct an investigation into the allegation in accordance with this policy statement.

Performance of Official Duties During Suspension: An officer whose authorization to carry a firearm has been suspended shall continue to perform their official duties and functions as an adult probation/parole officer with no interruption in services.

Reinstatement Process: An officer who had authorization removed may reapply for reinstatement every six months.

Firearms Training Requirements

Firearm Familiarization Training: Prior to issuance of the firearm, the officer must view a familiarization video provided by the manufacturer, Glock.

Basic Firearms Academy: All officers carrying firearms must attend the initial firearms training course offered by the County Probation and Parole Officers' Firearm Education and Training Commission (See 61 Pa.C.S. § 332.1 through 61 Pa.C.S. § 332.9). The training course shall consist of a period of classroom instruction and range qualification.

Requalification: All officers who receive certification by the Commission, must requalify annually and during the time period established by the Commission. The department shall make arrangements with neighboring counties, who have a certified Commission firearms' instructor, to conduct requalification training.

Mandatory In-Service Training: In order to maintain state certification, any in-service training mandated by the established County Probation and Parole Officers' Firearm Education and Training Commission, shall be attended by all weapon-carrying officers.

Failure to Qualify at the Initial Training: If an officer fails to qualify, he/she shall be given a second opportunity to participate in the next available training course. Any officer requesting a third opportunity must receive authorization from the Chief Adult Probation/Parole Officer.

Failure to Requalify: If an officer fails to requalify, he/she shall be given a second opportunity to participate in the next available training course. Any officer requesting a third opportunity must receive authorization from the Chief Adult Probation/Parole Officer. Failure to requalify will result in the temporary suspension of authorization to carry a firearm. When an officer fails to requalify, then he/she must attend the initial firearms academy.

Failure to Qualify By New Employee: An officer hired after the adoption of this policy statement and fails to qualify/requalify as set forth in this policy statement, will be offered additional training. Failure to qualify thereafter will result in a departmental inquiry as to the reasons an officer failed to qualify. A recommendation will be made to the court concerning the employment status of the officer.

Independent Firearms Practice: Officers authorized to carry a firearm may practice with their issued firearm on the employee's own time. The practice must occur only at a firing range, public or private. The department will only issue 200 rounds of practice ammunition to an officer attending the initial firearms training academy and requalification. The officer must purchase all other practice ammunition.

Training Ammunition: The department shall issue the appropriate number of rounds required for initial qualification and requalification. Approved training ammunition is new, factory-loaded, 124 grain, 9 mm rounds. The department will only issue ammunition to the officer for two attempts at qualification. Any other authorized attempts to qualify will require the officer to purchase the ammunition approved by the department.

Familiarization Training: All adult probation/parole officers will be required to complete a firearms familiarization course, when available.

Authorized Equipment

Authorized Firearm: The department shall issue a Glock Model 26 (9 mm) pistol to each officer authorized to carry a firearm. Personal firearms are prohibited. Only the firearm issued by the department to the officer can be carried and used in the performance of official duties, including all trainings at the firearms academy and other commission-sponsored trainings.

Authorized Duty Ammunition: The department shall issue thirty (30) rounds of duty ammunition, which is new, factory-loaded, 124-grain hydra-shok, jacketed hollow point. Any other ammunition is prohibited.

Holsters: The department shall issue a DeSantis Thumb Break Scabbard for each officer authorized to

carry a firearm. The holster shall be worn on the officer's duty belt, on the officer's strong side. Cross-draw positioning of a firearm is prohibited. All other holsters including shoulder holsters and weapons are prohibited.

Magazines and Extensions: Each weapon-carrying officer will be issued two additional ten round magazines fitted with grip extensions.

Double Magazine Pouches: Each weapon-carrying officer will be issued a nylon double magazine pouch.

Modifications to Equipment: All equipment issued by the department is standard and under no circumstances will any modifications be permitted. Officers altering or modifying their equipment will be subject to disciplinary action, including suspension of authorization to carry a firearm.

Cleaning and Maintenance of Firearms

Cleaning of Firearms: Weapon-carrying officers are responsible for the cleaning and lubrication of their issued firearm after each use, whenever the handgun has been subjected to moisture or dirt or every three months. Cleaning kits will be available in the department and the officer must keep a record of when the handgun was cleaned. Since the department has no designated areas for cleaning, officers will be expected to clean their firearm at their desk or at home. Failure to maintain proper maintenance and cleaning of the firearm may result in the temporary suspension of authorization to carry.

Safety Considerations: Before cleaning your firearm, make absolutely sure that it is unloaded. All ammunition should be stored away from the cleaning area, with the gun's action open during the cleaning process.

Damaged Firearms: See Page 14 of this policy statement.

Inspection: The department shall forward all firearms to a certified Glock armorer for inspection every six months.

Mechanical Problems: Firearms with mechanical problems that cannot be corrected by routine cleaning shall be taken out of service and sent to a qualified armorer for repair.

Maintenance of Magazine and Ammunition

Ammunition: Ammunition should be removed from the magazine and rotated daily. This will ensure that striation will not occur on the tip of the bullet located at the open end of the magazine. Failure to rotate ammunition may result in the destruction of the integrity of the bullet and possibly cause damage or injury when discharged.

Magazine: Ammunition should not be stored in a magazine for any prolonged period of time. Prolonged storage of ammunition in a magazine could destroy the spring mechanism. Therefore, at the end of every shift, the officer shall empty the magazine and store the ammunition in accordance with agency policy (See page 10 of this policy statement).

Body Armor

Issuance of Body Armor: The department shall provide and issue all adult probation/parole officers a bulletproof vest. It shall be mandatory that all probation officers wear body armor when performing field activities. There shall be no exceptions to this policy statement. Body armor shall be replaced in accordance with manufacturer specifications.

Violations of Use of Force and Firearms Policy

Disciplinary Procedure: Any employee in violation of this policy statement shall be subject to disciplinary action, up to and including termination (See Article 41: Carbon County Court System Disciplinary Procedure in the Personnel Policy and Procedure Manual for Court Employees).

Firearm Authorization Request

I, _____, an adult probation/parole officer for the Carbon County Adult Probation/Parole Department, a division of the Court of Common Pleas, Fifty-Sixth Judicial District, do hereby request authorization to carry a firearm in the performance of my duties.

In making the aforementioned request, I acknowledge and certify the following:

- 1. I am a tenured employee and not on a probationary status.
- 2. I am not pending any disciplinary action nor am I involved in or have knowledge of any departmental, criminal or civil investigation or litigation against me.
- 3. I do not have a problem with drugs or alcohol. I am not presently using any drugs, except as authorized by a medical physician. I have verified with my physician that the medication prescribed will not have any effect on my judgment or impair my ability to carry a firearm in the performance of my duties.
- 4. I have completed psychological testing and have been approved mentally sound by a licensed psychologist to carry a firearm.
- 5. I am medically and physically sound to carry out my assigned duties as a probation/parole officer.
- 6. I have completed classroom instruction on firearms and have successfully passed a written examination (County Probation/Parole Officers' Firearm Education and Training Commission).
- 7. I have completed range instruction and have qualified in the practical phase of shooting (County Probation/Parole Officers' Firearm Education and Training Commission).
- 8. I will only use my firearm for defensive purposes only, where retreat is not possible and serious injury or death is imminent.
- 9. I have successfully completed training in chemical agents and impact weapons and have received certification.
- 10. I have successfully completed training in control tactics, defensive tactics and Use of Force Instruction and have received certification.

I hereby affirm that the aforementioned information is true. Also, I understand that the falsification of any of the aforementioned information shall result in appropriate disciplinary action.

Signature Adult Probation/Parole Officer Date

Firearm Certification

Officer's Name: _____

- 1. Successful completion of criminal background investigation. Yes No
- 2. Successful completion of psychological evaluation. Yes No

- 3. Successful completion of basic orientation academy. Yes No
- 4. Successful completion of first aid and CPR training. Yes No
- 5. Successful completion of defensive tactics. Yes No
- 6. Successful completion of OC spray and expandable baton training. Yes No
- 7. Successful completion of Use of Force training. Yes No
- 8. Successful completion of County Probation and Parole Officers' Firearm and Education and Training Commission. Yes No
- 9. Ability to demonstrate proficiency, safety and knowledge in the proper use and handling of a firearm. Yes No

AUTHORIZATION

REQUEST DENIED: REQUEST APPROVED:

Chief Adult Probation/Parole Officer:

I, Ronald S. Kokinda, Chief Adult Probation/Parole Officer hereby approve/deny the within request to carry a firearm in accordance with court and departmental policies and procedures.

Signature and Date: _____

Request Not to Carry a Firearm

I, _____, an adult probation/parole officer for the Carbon County Adult Probation/Parole Department, a division of the Court of Common Pleas, Fifty-Sixth Judicial District, composed of Carbon County, do hereby exercise my option not to carry a firearm in the performance of my duties, at this time.

I acknowledge that if circumstances do change, that I may request authorization to carry a firearm during the performance of my official duties.

In making the aforementioned request, I acknowledge and certify the following:

- 1. I am a tenured employee and not on a probationary status.
- 2. I am not pending any disciplinary action nor am I involved in or have knowledge of any departmental, criminal or civil investigation or litigation against me.
- 3. I have been offered the opportunity to attend the Basic Firearms' Academy and to carry a firearm during the performance of my official duties, but declined.
- 4. I have been hired prior to the implementation of the Carbon County Adult Probation/Parole Department's firearm program and am exercising my option not to carry a firearm.
- 5. Even though I will not carry a firearm during the performance of my official duties, I fully understand that I must perform the same duties and responsibilities as an adult probation/parole officer who carries a firearm.

I hereby affirm that the aforementioned information is true. Also, I understand that the falsification of any of the aforementioned information shall result in appropriate disciplinary action.

Adult Probation/Parole Officer Date

Chief Adult Probation/Parole Officer Date

**CARBON COUNTY ADULT PROBATION/
PAROLE OFFICE**

ISSUANCE OF FIREARM

I acknowledge receipt of the agency issued firearm. By signing below, I further acknowledge that I have received appropriate training in the use of the firearm and accept full responsibility for the safe and proper handling of the firearm.

I will comply with all policies and procedures adopted by the Carbon County Court of Common Pleas and the Carbon County Adult Probation/Parole Office.

I understand that I may have my authorization to carry a firearm, during the performance of my duties, temporarily suspended as outlined in this policy statement and that when requested by the Chief Adult Probation/Parole Officer must relinquish my firearm.

Manufacturer Model Caliber Serial Number

ACKNOWLEDGMENT

Adult Probation/Parole Officer Date

Chief Adult Probation/Parole Officer Date

**CARBON COUNTY ADULT PROBATION/PAROLE
DEPARTMENT
"Subject Control Report"**

Officer's Name: _____ Date of Incident: _____

Subject's Name: _____ D.O.B.: ___ Ht: ___ Wt: ___ Sex: ___

Address of Incident: _____

Reason for Use of Control

- () Necessary to defend self
- () Necessary to defend another
- () Necessary to effect arrest
- () Necessary to prevent a violent forcible felony
- () Necessary to restrain subject for his own safety
- () Other _____

Subject's Actions (You may check more than one):

- () Psychological Intimidation (attitude, clinched fists, stance)
- () Verbal Resistance (loud, abusive, profane, threatening)
- () Passive Resister (non-movement in response to verbal and other direction).
- () Assailant (Actions are aggressive offensive without weapons, actions will probably cause physical injury. Actions will probably cause death or serious bodily injury).

Officer's Actions (You may check more than one):

- () Officer Presence (Uniformed __, Marked Unit __, Plain Clothes __, Unmarked Unit __)
- () Verbal Direction/Commands (exact words used, see report narrative)
- () Control Instruments (Expandable Baton)
- () Impact Weapon (Baton)
- () Chemical Agent (OC Spray)
- () Deadly Force (When an officer must shoot or strike the subject in a manner likely to cause death or serious bodily injury).

Officer's Weapons Used:

- () Personal Weapons (hands, feet, knees)
- () OC Spray

- () Impact Weapon (baton)
- () Firearm
- () Other (Weapon of Necessity: _____)

Injuries

Was the officer injured? ___ Yes ___ No

Was the subject injured? ___ Yes ___ No

Names of persons providing medical attention: _____

Additional Officers Involved: _____

Witnesses (Names and Addresses): _____

Garrity Right

"It is my understanding that the following report is made for administrative, adult probation department purposes only and will not be used as part of an official investigation. I make this report after being ordered to do so by lawful supervisory officers. It is my understanding that by refusing to obey an order to write this report that I can be disciplined for insubordination, up to and including termination from employment. This report is made only pursuant to such orders and the potential punishment/discipline that can result for failure to obey that order." [See *Garrity v. New Jersey*, 385 U.S. 493 (1967)].

NARRATIVE

Officer's Signature Date

Supervisor's Signature Date

[Pa.B. Doc. No. 03-2146. Filed for public inspection November 7, 2003, 9:00 a.m.]

LEHIGH COUNTY

**Adoption of Local Rule of Civil Procedure 205.3—
Fee to Provide Electronic Filing Services; 2003-
J-43**

Order

And Now, this 21st day of October, 2003,

It Is Ordered, that the following Lehigh County Local Rule of Civil Procedure, Rule 205.3, Fee to Provide Electronic Filing Services, is hereby adopted, to become effective January 1, 2004.

The Court Administrator of Lehigh County is directed to:

1. File seven (7) certified copies of this order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one disk copy with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Pennsylvania Civil Procedural Rules Committee.
4. File one (1) certified copy with the Clerk of Courts of the Court of Common Pleas of Lehigh County.

5. Forward one (1) copy for publication in the *Lehigh County Law Journal*.

By the Court

WILLIAM H. PLATT,
President Judge

Rule 205.3 Fee to Provide Electronic Filing Services

The Clerk of Courts—Civil Division may impose a reasonable fee approved by the Court, to be included in the fee for Commencement of Actions, for the provision of electronic filing services. Such fees collected shall be maintained in a separate account and shall be used solely to defray the costs of electronic filing.

[Pa.B. Doc. No. 03-2147. Filed for public inspection November 7, 2003, 9:00 a.m.]

SNYDER COUNTY

Amendment of Local Rules; No. MC-55-2003

Order

And Now, this 16th day of October, 2003, it is hereby *Ordered*:

1. That local rule 17OC006.11 is amended to read as follows:

17OC006.11 Confirmation of Accounts

A. Provided that proper notice has been given and no objection is filed timely, all accounts and statements of proposed distribution which are filed on or before the first Thursday of each month shall be confirmed nisi by the Court on the fourth Thursday of the month, unless that day is a holiday, in which event, confirmation shall be made the next business day. Prior to the date of confirmation a proposed decree of distribution shall be filed by the accountant. The proposed decree shall contain space for signature by a member of the Orphans' Court.

B. If no exceptions are filed to the confirmation nisi, the Court shall confirm said accounts absolutely ten (10) days after entry of the confirmation nisi, which confirmation absolute shall constitute a final adjudication of such accounts, and a final decree approving absolutely the statement of proposed distribution and directing distribution in accordance therewith shall thereupon be made and entered by the Court.

2. That in recognition of the provisions of Pa.R.C.P. No. 230.2, local rule 17CV0001 ANNUAL CALL is rescinded.

3. That the local rules of the 17th Judicial District of Pennsylvania are amended by the addition of the following local rules:

17CV1023.1 Motions—Representations to the Court

All motions filed with the Court must be written, shall contain a certification by counsel for the movant, or by the movant if not represented by counsel, that he or she has sought concurrence in the motion from each party, and that it has been either given, denied, or not received. No motion shall be filed without the said certification. Every motion which has been concurred with by all parties shall be accompanied by a form of order which, if approved by the Court, would grant the relief sought in the motion. Every motion that is not concurred with by all parties shall be accompanied by a form of order which includes alternative provisions for either a rule returnable for answer only or to schedule a date for hearing and argument before the court.

17CR0574 Motions—Representations to the Court

All motions filed with the Court must be written, shall contain a certification by counsel for the movant, or by the movant if not represented by counsel, that he or she has sought concurrence in the motion from each party, and that it has been either given, denied, or not received. No motion shall be filed without the said certification. Every motion which has been concurred with by all parties shall be accompanied by a form of order which, if approved by the Court, would grant the relief sought in the motion. Every motion that is not concurred with by all parties shall be accompanied by a form of order which includes alternative provisions for either a rule returnable for answer only or to schedule a date for hearing and argument before the court.

4. The Court Administrator is directed to serve: seven (7) certified copies of this Order on the Administrative Office of Pennsylvania Courts; two (2) certified copies on the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, and to provide a copy of this Order to the Legislative Reference Bureau on computer diskette in Word, the diskette to be labeled with this Court's name and address, and with the local rule's computer file name; one (1) certified copy on the Civil Procedural Rules Committee.

5. These local rules shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

HAROLD F. WOELFEL, Jr.,
President Judge

[Pa.B. Doc. No. 03-2148. Filed for public inspection November 7, 2003, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending October 28, 2003.

BANKING INSTITUTIONS

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-20-03	Farmers First Bank Lititz Lancaster County	270 Good Drive Lancaster East Hempfield Township Lancaster County	Opened
10-27-03	Northwest Savings Bank Warren Warren County	1767 North Atherton Street State College Patton Township Centre County	Filed

Branch Relocations/Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-22-03	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>Into:</i> 2516 Welsh Road Philadelphia Philadelphia County <i>From:</i> 2501 Welsh Road Philadelphia Philadelphia County	Approved

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-23-03	Sun Bank Lewisburg Union County	3155 Lycoming Creek Road Williamsport Lycoming County	Effective
10-23-03	Sun Bank Lewisburg Union County	18 East Main Street Glen Lyon Luzerne County	Effective
10-28-03	Northwest Savings Bank Warren Warren County	24 West Orange Street Lancaster Lancaster County	Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 03-2149. Filed for public inspection November 7, 2003, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, November 19, 2003, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items should be directed to Kurt Leitholf, (717) 705-0031.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Claire Guisewite at (717) 705-0031 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL F. DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 03-2150. Filed for public inspection November 7, 2003, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal waste; discharge into groundwater
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 individual permits and individual stormwater construction permits in Sections IV and VI, the Department, based upon preliminary reviews, has made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the EPA Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on an NPDES application are invited to submit a statement to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application are invited to submit a statement to the office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final

determinations regarding the applications. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for a public hearing on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after any public hearings are held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

I. NPDES Renewal Applications

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0045985-A1	Mountaintop Area Joint Sanitary Authority Morio Drive Mountaintop, PA 18707	Dorrance Township Luzerne County	Big Wapwallopen Creek	N

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0087912	Eldorado Properties Corporation Arnold Fuel Oil Inc. 900 Eisenhower Blvd. Harrisburg, PA 17105	Cumberland County Sinking Spring Township	Trindle Spring	Y

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0038865 Sewerage	Zerbe Township 800 Mahanoy Street Trevorton, PA 17881	Zerbe Township Northumberland County	Zerbe Run SWP 6B	Y
PA0208647 Sewerage	Kratzer Run Sewer Authority P. O. Box 53 Grampian, PA 16838	Penn Township Clearfield County	Kratzer Run SWP 8B	Y
PA0110272 SN	Clyde L. Brass Cogan Valley Farms 480 Route 973 West Cogan Station, PA 17728	Lycoming County Hepburn Township	Lycoming Creek 10A	Y
PA0022195 SP	Borough of Catawissa P. O. Box 44 Catawissa, PA 17820	Columbia County Catawissa Borough	Catawissa Creek 5E	Y

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0221287	Suburban Animal Clinic 101 Thorncrest Drive Butler, PA 16002	Penn Township Butler County	Unnamed tributary to Thorn Creek	Y
PA0034878	Springhill Estates Mobile Home Park 13279 West Ridge Road West Springfield, PA 164423	Spring Township Crawford County	Unnamed tributary to Conneaut Creek	Y

II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Applications

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

PAS212210, Industrial, **Meshoppen Stone, Inc.**, P. O. Box 127, Meshoppen, PA 18630. This proposed facility is in Meshoppen Township, **Wyoming County**.

The receiving streams, unnamed tributary to Meshoppen Creek and unnamed tributary to Little Meshoppen Creek, are in State Water Plan watershed no. 4G and are classified for CWF.

The proposed effluent limits for Outfalls 001—003:

Parameter	Mass (lb/day)		Concentration (mg/l)	
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily
CBOD				Report
COD				Report
Oil and Grease				Report
pH				Report
TSS				Report
Total Phosphorus				Report
Total Kjeldahl Nitrogen				Report
Iron (Dissolved)				Report

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

PA0086703, Industrial Waste, SIC Code 9999, **NGK Metals Corporation**, P. O. Box 13367, Reading, PA 19612. This facility is in Muhlenberg Township, **Berks County**.

Description of activity: Renewal of an NPDES permit for an existing discharge of treated industrial waste.

The receiving stream, Laurel Run, is in Watershed 3-C and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for the Pottstown Borough Authority is on the Schuylkill River. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.36 MGD are:

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
pH (S. U.)			from 6.0 to 9.0 inclusive		
Total Suspended Solids	90	180	30	60	75
Total Aluminum	4.71	9.42	1.57	3.14	3.93
Total Copper	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	XXX
Total Dissolved Solids	6,004	12,008	2,000	4,000	5,000

Individuals may make an appointment to review the Department files on this case by calling the File Review Coordinator at (717) 705-4732.

The EPA waiver is in effect.

PA0028649, Sewage, **Municipal Authority of the Borough of Sinking Spring**, 540 Penn Avenue, Sinking Spring, PA 19608-1112. This facility is in Spring Township, **Berks County**.

Description of activity: Renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, Cacoosing Creek, is in Watershed 3-C and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for the Pottstown Authority is on the Schuylkill River, approximately 27 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 1.0 MGD are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	3.0	XXX	6.0
(11-1 to 4-30)	9.0	XXX	18
Total Residual Chlorine	0.32	XXX	1.0
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		3,000/100 ml as a geometric average	

Individuals may make an appointment to review the Department files on this case by calling the File Review Coordinator at (717) 705-4732.

The EPA waiver is not in effect.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

PA0024406, Sewage 4952, **Mount Carmel Municipal Authority**, 18 East Fifth Street, P. O. Box 365, Mount Carmel, PA 17851-0365. This existing facility is in Mount Carmel Borough, **Northumberland County**.

Description of Proposed Activity: Permit is being amended to correct a technical mistake or mistaken interpretation of law in Part C Special Condition 4—Management and Control of Combined Sewer Overflow. All other sections of the permit remain unchanged. There are no changes to the effluent limits.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

PA0004081, Industrial Waste, SIC, 3499, **CP Industries**, 2214 Walnut Street, McKeesport, PA 15132. This application is for renewal of an NPDES permit to discharge untreated cooling water, stormwater from Christy Park Works in City of McKeesport, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Youghiogheny River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the McKeesport Water Treatment Plant in McKeesport, 0.6 mile below the discharge point.

Outfalls 007 and 009: existing discharge, design flow of 0.004 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
TSS	3.8	10	Monitor and Report		70
Oil and Grease		2.5	15		30
pH	not less than 6.0 nor greater than 9.0				

Outfalls 001—006 and 008: existing discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
	Discharge consists solely of uncontaminated stormwater runoff. No limits apply.				

The EPA waiver is in effect.

PA0044679, Sewage, **Pigeon Creek Sanitary Authority**, P. O. Box 504, 513 Main Street, Bentleyville, PA 15314. This application is for renewal of an NPDES permit to discharge treated sewage from Pigeon Creek Sewage Treatment Plant in Fallowfield Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Pigeon Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Pennsylvania American Water Company.

Outfall 001: existing discharge, design flow of 1.02 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25	27.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	3.4	5.1		6.8
(11-1 to 4-30)	10.2	15.3		20.4
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.6			2
pH	not less than 6.0 nor greater than 9.0			
Toxicity (Toxic Units Chronic)			2.6	

The EPA waiver is not in effect.

PA0095478, Sewage, **Estate of Herman Uchelvich**, P. O. Box 24, Perryopolis, PA 15473. This application is for renewal of an NPDES permit to discharge treated sewage from Jefferson Estates STP in Jefferson Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary to Little Redstone Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Washington Township Municipal Authority.

Outfall 001: existing discharge, design flow of 0.021 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	5.0			10.0
(11-1 to 4-30)	15.0			30.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0204587, Sewage, **James C. Noel**, 108 Front Street, Fallentimber, PA 16639. This application is for renewal of an NPDES permit to discharge treated sewage from the Noel's-Zimmerman Treatment Plant in White Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Clearfield Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Pennsylvania American Water Company on the West Branch Susquehanna River.

Outfall 001: existing discharge, design flow of 0.018 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0204986, Sewage, **Yellow Truckers & Electronic Services, Inc.**, P. O. Box 459, Yukon, PA 15698. This application is for renewal of an NPDES permit to discharge treated sewage from Yellow Truckers & Electronic Services Hiway Playground STP in South Huntingdon Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Lick Run, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the McKeesport Municipal Water Authority.

Outfall 001: existing discharge, design flow of 0.0004 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0217999, Sewage, **Jack's Independent Service, Inc.**, 1121 Wallace Run Road, Darlington, PA 16115. This application is for renewal of an NPDES permit to discharge treated sewage from Jack's Independent Service STP in South Beaver Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of North Fork Little Beaver Creek, which are classified as a HQ-CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the City of East Liverpool, OH on the Ohio River.

Outfall 001: existing discharge, design flow of 0.00136 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	4.5			9.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.08			0.19
Dissolved Oxygen	not less than 7.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0252573, Sewage, **Duane and Kathryn Huffman**, 6507 Cumberland Highway, Meyersdale, PA 15552. This application is for issuance of an NPDES permit to discharge treated sewage from Huffman SRSTP in Southampton Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary to North Branch of Jennings Run, which are classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. There are no known potable water supplies from discharge to the Maryland/Pennsylvania border.

Outfall 001: new discharge, design flow of 0.0004 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	Monitor and Report			
Dissolved Oxygen	not less than 3 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law (35 P.S. §§ 691.1—691.1001)

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

WQM Permit No. 0903418, Sewerage, **Buckingham Township**, P. O. Box 413, Buckingham, PA 18912. This proposed facility is in Buckingham Township, **Bucks County**.

Description of Proposed Action/Activity: Expansion of existing treatment facilities and additional spray fields.

WQM Permit No. 1503422, Sewerage, **Keystone Custom Homes**, 214A Willow Valley Lakes Drive, Willow Street, PA 17584. This proposed facility is in Franklin Township, **Chester County**.

Description of Proposed Action/Activity: Construction and operation of a wastewater plant for a 38-lot residential subdivision.

WQM Permit No. 4603418, Sewerage, **Whitemarsh Township**, 616 Germantown Pike, Lafayette Hill, PA

19444-1821. This proposed facility is in Whitemarsh Township, **Montgomery County**.

Description of Proposed Action/Activity: Construction and operation of a low pressure force main and individual grinder pump units.

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

WQM Permit No. 0501408 Amendment 03-1, Sewerage, **Broad Top Township**, 187 Municipal Road, P. O. Box 57, Defiance, PA 16633-0057. This proposed facility is in Broadtop Township, **Bedford County**.

Description of Proposed Action/Activity: Authorization for the modification of sewage treatment plant facilities.

WQM Permit No. 3602202, Amendment 03-1, Sewerage, **Noah W. Kreider & Sons, Kreider Dairy & Restaurant**, 1461 Lancaster Road, Manheim, PA 17545. This proposed facility is in Penn Township, **Lancaster County**.

Description of Proposed Action/Activity: Modifications and expansion to the food processing residual spray irrigation field.

WQM Permit No. 0603410, Sewerage, **Steve and Tamara Collins**, 261 Camp Strauss Road, Bethel, PA 19567. This proposed facility is in Bethel Township, **Berks County**.

Description of Proposed Action/Activity: Construction of a small flow sewage treatment system to serve their single family residence.

WQM Permit No. 3603405, Sewerage, **Lancaster Area Sewer Authority**, 130 Centerville Road, Lancaster, PA 17603. This proposed facility is in Manheim Township, **Lancaster County**.

Description of Proposed Action/Activity: Transfer of all Manheim Township permits to Lancaster Area Sewer Authority.

WQM Permit No. 0603411, Sewerage, **County of Berks**, 633 Court Street, Reading, PA 19601. This proposed facility is in Bern Township, **Berks County**.

Description of Proposed Action/Activity: Construction of a new force main and pump station to serve the Berks Heim Nursing Home.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

WQM Permit No. 0803404, Sewage, 4952, **Russell Dibble**, R. R. 2, Box 26, Columbia Crossroads, PA 16914. This proposed facility is in Columbia Township, **Bradford County**.

Description of Proposed Action/Activity: Construction and operation of a single residence sewage plant. The sewage plant will be a septic tank, two free access sand filters and chlorination.

WQM Permit No. 1403404, Sewerage 4952, **Rush Township**, P. O. Box 152, Philipsburg, PA 16866-0152. This proposed facility is in Rush Township, **Centre County**.

Description of Proposed Action/Activity: Rush Township is applying for a Water Quality Management Part II Permit for the construction of approximately 21,300 LF of 6- and 8-inch diameter gravity sewer, 3,500 LF of 4-inch force main sewer and one pump station.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

WQM Permit No. 0275217-A3, Industrial Waste, **Shenango Inc.**, 200 Neville Road, Pittsburgh, PA 15225. This proposed facility is in Neville Township, **Allegheny County**.

Description of Proposed Action/Activity: Application for the modification and operation of the Shenango Inc. Neville Coke wastewater treatment p\Plant.

WQM Permit No. 1197403-A1, Sewerage, **Forest Hills Municipal Authority**, 401 Grant Street, P. O. Box 111, South Fork, PA 15956. This proposed facility is in South Fork Borough, **Cambria County**.

Description of Proposed Action/Activity: Application for the modification and operation of the Forest Hills Municipal Authority Sewerage Treatment Plant.

WQM Permit No. 6370414-A2, Sewerage, **Monongahela City Municipal Authority**, 521 West Main Street, Monongahela, PA 15063. This proposed facility is in Monongahela City, **Washington County**.

Description of Proposed Action/Activity: Application for the modification and operation of a sewerage treatment plant to serve the City of Monongahela.

WQM Permit No. 6503407, Sewerage, **Southmoreland School District**, 609 Parker Avenue, Scottdale, PA 15683. This proposed facility is in East Huntingdon Township, **Westmoreland County**.

Description of Proposed Action/Activity: Application for the modification and operation of the Southmoreland School District Sewerage Treatment Plant.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

WQM Permit No. 2503426, Sewerage, **Rose Allsopp**, 8976 Perry Highway, Erie, PA 16509. This proposed facility is in Summit Township, **Erie County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

WQM Permit No. 2003427, Sewerage, **Randy L. Huntington**, 2112 West State Road, Jamestown, PA 16134. This proposed facility is in West Shenango Township, **Crawford County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

WQM Permit No. 2503425, Sewerage, **Ronald Vargo**, 1026 East Third Street, Erie, PA 16507. This proposed facility is in Greenfield Township, **Erie County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

WQM Permit No. 2003428, Sewerage, **Danial D. and Linda Rae Reade Family Trust**, 9685 Pettis Road, Meadville, PA 16335. This proposed facility is in East Mead Township, **Crawford County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

WQM Permit No. 2703403, Sewerage, **Department of General Services**, 18th and Herr Streets, Harrisburg, PA 17120. This proposed facility is in Jenks Township, **Forest County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a sewage lift station to serve new 2,000-bed State correctional institute facilities. Flows will be pumped to new conveyance facilities to be constructed by Jenks Township.

WQM Permit No. 2493402, Sewerage, **Borough of Ridgway**, P. O. Box 149, Ridgway, PA 15853-0149. This proposed facility is in the Borough of Ridgway, **Elk County**.

Description of Proposed Action/Activity: This project is for the installation of sludge filter press and construction of an effluent diffuser.

IV. NPDES Applications for Stormwater Discharges from MS4

V. Applications for NPDES Waiver Stormwater Discharges from MS4

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Department Protocol (Y/N)</i>
PAG136312	Borough of Glassport 440 Monongahela Avenue Glassport, PA 15045	Allegheny	Glassport Borough	Y
PAG136313	Homewood Borough P. O. Box 417 Racine, PA 15010	Beaver	Homewood Borough	Y
PAG136314	Emsworth Borough 171 Center Avenue Pittsburgh, PA 15202	Allegheny	Emsworth Borough	Y
PAG136315	Borough of Sutersville 320 Municipal Avenue Sutersville, PA 15083	Westmoreland	Sutersville Borough	Y
PAG136316	South Heights Borough P. O. Box 302 South Heights, PA 15081	Beaver	South Heights Borough	Y
PAG136318	Penn Borough P. O. Box 352 400 Harrison Avenue Penn, PA 15675	Westmoreland	Penn Borough	Y

VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010903015	Marc Solt Subdivision 1408 Fels Road Quakertown, PA 18951	Bucks	West Rockhill Township	Unami Creek HQ-TSF
PAI011503095	Rolling Hill Partners Blossom Meadows II 2500 East High Street Suite 610 Pottstown, PA	Chester	East Coventry Township	Pigeon Creek HQ-TSF
PAI012303004	Mill Dam Club 717 Maplewood Avenue Wayne, PA 19087	Delaware	Radnor Township	Little Darby Creek CWF, MF

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Lehigh County Conservation District: Lehigh Ag. Ctr., Ste. 102, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023903021-1	Joseph Trinkle 1510 Valley Center Pkwy. Allentown, PA 18017	Lehigh	Upper Macungie Township	Little Lehigh Creek HQ-CWF
PAI023903041	Electrochemical E & M Co. Dale Heffner 750 Broad St. Emmaus, PA 18049	Lehigh	Borough of Emmaus	Little Lehigh Creek HQ-CWF
PAI023903042	City Line Building & Development Co. 2045 City Line Road Bethlehem, PA 18017	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF
PAI023903005	Fieldstone Associates, LP 906A Cross Keys Dr. Doylestown, PA 18901	Lehigh	Upper Macungie Township	Little Lehigh Creek HQ-CWF

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030703003	Department of Transportation District 9-0 1620 North Juniata Street Hollidaysburg, PA 16648	Blair	Frankstown Township	Canoe Creek HQ-CWF

Huntingdon County Conservation District: R. D. 1 Box 7C, Rt. 26, South, Huntingdon, PA 16652, (814) 627-1626, Ext. 107.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033103002	Stephen Stoltzfus R. D. 2 Box 213 Huntingdon, PA 16652	Huntingdon	Jackson Township	Stone Creek WWF

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Jefferson Conservation District: R. R. 5 Box 51, Brookville, PA 15825.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI063303002	Department of Transportation Airport Access Road Falls Creek Borough 2550 Oakland Avenue Indiana, PA 15701	Jefferson	Washington Township	Horm, Norris and Keys Runs CWF Kyle Run Unnamed tributary to Kyle Lake HQ-CWF

VII. List of NOIs for NPDES and/or Other General Permit Types

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

MS4 Notices of Intent Received

Southeast Region: Water Management Program Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Department Protocol (Y/N)</i>
PAG130163	South Coatesville Borough 136 Modena Rd. Coatesville, PA 19320	Chester	South Coatesville	Y
PAG130164	Red Hill Borough 56 W. 4th St. Souderton, PA 18076	Montgomery	Red Hill	Y
PAG130165	Green Lane Borough P. O. Box 514 Green Lane, PA 18054	Montgomery	Green Lane	Y

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Department Protocol (Y/N)</i>
PAG136312	Borough of Glassport 440 Monongahela Avenue Glassport, PA 15045	Allegheny	Glassport Borough	Y
PAG136313	Homewood Borough P. O. Box 417 Racine, PA 15010	Beaver	Homewood Borough	Y
PAG136314	Emsworth Borough 171 Center Avenue Pittsburgh, PA 15202	Allegheny	Emsworth Borough	Y

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Department Protocol (Y/N)</i>
PAG136315	Borough of Sutersville 320 Municipal Avenue Sutersville, PA 15083	Westmoreland	Sutersville Borough	Y
PAG136316	South Heights Borough P. O. Box 302 South Heights, PA 15081	Beaver	South Heights Borough	Y
PAG136317	Franklin Township 897 SR 288 Fombell, PA 16123	Beaver	Franklin Township	Y
PAG136318	Penn Borough P. O. Box 352 400 Harrison Avenue Penn, PA 15675	Westmoreland	Penn Borough	Y

PUBLIC WATER SUPPLY (PWS) PERMIT

Under the Pennsylvania Safe Drinking Water Act, the following parties have applied for a PWS permit to construct or substantially modify a public water system.

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and any related documents are on file at the office listed before the application and are available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17)

Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Permit No. 5403501, Public Water Supply.	
Applicant	Pennsylvania Suburban Water Co. d/b/a Consumers Pa. Water Co. White Haven District—Edgewood 204 East Sunbury Street Shamokin, PA 17872
Township or Borough	Factoryville Borough Wyoming County
Responsible Official	Richard T. Subasic, V. P.
Type of Facility	PWS
Consulting Engineer	CET Engineering Services 321 Washington Street Huntingdon, PA
Application Received Date	September 25, 2003
Description of Action	The addition of a phosphate feed for corrosion control.
Permit No. 5403501, Public Water Supply.	
Applicant	Pennsylvania Suburban Water Co. d/b/a Consumers Pa. Water Co. White Haven District—Edgewood 204 East Sunbury Street Shamokin, PA 17872
Township or Borough	Abington Township Lackawanna County
Responsible Official	Richard T. Subasic, V. P.
Type of Facility	PWS
Consulting Engineer	CET Engineering Services 321 Washington Street Huntingdon, PA
Application Received Date	September 25, 2003
Description of Action	The addition of a phosphate feed for corrosion control.

Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. 6703515, Public Water Supply.

Applicant **Goldsboro Firemans Club**
Municipality **Goldsboro Borough**
County **York**
Responsible Official **Carolyn Dugan, Manager**
P. O. Box 236
Zeigler and Railroad Streets
Etters, PA 17319

Type of Facility **PWS**
Consulting Engineer **John L. Latsha, P. E.**
Glace Associates Inc.
3705 Trindle Road
Camp Hill, PA 17011

Application Received Date **October 8, 2003**

Description of Action **Construction of a nitrate removal system followed by pH neutralization.**

MINOR AMENDMENT

Applications Received under the Pennsylvania Safe Drinking Water Act

Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Application No. Minor Amendment.

Applicant **Palmerton Municipal Authority**
Township or Borough **Palmerton Borough Carbon County**
Responsible Official **Marvin L. Snell, Jr., Chairperson**
Palmerton Municipal Authority
43 Delaware Avenue
Palmerton, PA 18071

Type of Facility **PWS**
Application Received Date **October 21, 2003**

Description of Action **The application is for the transfer of PWS Permit Nos. 664W1A, 1379501, 964 Amendment 1, 1381501 and 3130012 issued to the Palmer Water Company to the Palmerton Municipal Authority.**

Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

Application No. Minor Amendment, Minor Amendment.

Applicant **Porter Township Municipal Authority**
216 Spring Run Road, Room 105
Mill Hall, PA 17751

Township **Porter Township Clinton County**

Responsible Official **Karl Walizer, Chairperson**
Porter Township Municipal Authority
216 Spring Run Road, Room 105
Mill Hall, PA 17751

Type of Facility **PWS**
Consulting Engineer **Richard W. Marcinkevage, P. E.**
431 South Jones Street
Lock Haven, PA 17745

Application Received Date **October 23, 2003**

Description of Action **Application for construction of secondary intake on Sink Run.**

WATER ALLOCATIONS

Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (32 P. S. §§ 631—641) regarding the acquisition of rights to divert waters of this Commonwealth

Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

WA17-1008, Water Allocations, **Sandy Township Water & Sewer Authority**, P. O. Box 267, DuBois, PA 15801, Sandy Township, **Clearfield County**. Application for a subsidiary water allocation permit to purchase up to 780,000 gpd of water from the City of DuBois.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a Site-Specific Standard, in whole or in part and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a Site-Specific Standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, the municipality may request that the person identified, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office after which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

Southeast Region: Environmental Cleanup Program Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

Former Sears Auto Center, North Coventry Township, **Chester County**. David Side, GHR Consulting Services, Inc., 300 Welsh Rd., Bldg. 3, Horsham, PA 19044, has submitted a Notice of Intent to Remediate soils contaminated with MTBE. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Pottstown Mercury* on September 23, 2003.

Balderston Family LP Property, West Brandywine Township, **Chester County**. David A. Coleman, P. G., Penn Environmental & Remediation, Inc., 2755 Bergey Rd., Hatfield, PA 19440, on behalf of William Balderston and Craig Poff, Bentley Communities LP, P. O. Box 1906, 1595 Paoli Pike, Suite 202, West Chester, PA 19380-6167, has submitted a Notice of Intent to Remediate soils contaminated with inorganics. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Daily Local News* on September 14, 2003.

407 South Chester Pike Property, Glenolden Borough, **Delaware County**. Paul Ledebur, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of Marie Panna, 302 E. Poplar St., Unit A, Wildwood, NJ 08260, has submitted a Notice of Intent to Remediate soils contaminated with inorganics. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Delaware County Daily Times* on October 10, 2003.

Sunoco Inc. (DUNS No. 9000-0260), Middletown Township, **Delaware County**. Lisa Holderbach, GES, Inc., 410 Eagleview Blvd., Suite 110, Exton, PA 19341, on behalf of Peter Wolff, 125 S. Pennell Rd., Glen Riddle, PA

19063, Mrs. Lilley, 131 S. Pennell Rd., Glen Riddle, PA 19063, David Tracey, 201 Lenni Rd., Glen Riddle, PA 19063 and Sharon Learn, 308 N. Olive St., Media, PA 19063, has submitted a Notice of Intent to Remediate soils and groundwater contaminated with unleaded gasoline. The applicant proposes to remediate the site to meet Statewide Health and Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Daily Times* on October 8, 2003.

Coastal Service Station (Former Belmont Amoco), Lower Merion Township, **Montgomery County**. Erik Stephens, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of Frank Garthwaite, Belmont Automotive, 726 Belmont Ave., Bala Cynwyd, PA 19004, has submitted a Notice of Intent to Remediate soils contaminated with leaded gasoline, lead, PAH and unleaded gasoline. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on October 10, 2003.

Mr. Lee's Cleaners, Upper Moreland Township, **Montgomery County**. Richard Sacks, P. G., ST Environmental Professionals, Inc., 1514 Harmon Rd., Harleysville, PA 19438, on behalf of Chris Anderson, Goodman Properties, 636 Old York Rd., Jenkintown, PA 19046, has submitted a Notice of Intent to Remediate soils contaminated with chlorinated solvents. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Intelligencer* on October 9, 2003.

Parkway Apartments, City of Philadelphia, **Philadelphia County**. Jaron J. Frieden, Vertex Engineering Services, 400 Libbey Parkway, Weymouth, MA 02189, on behalf of Steve Gilbert, ITW Mortgage Investments Corp., 1818 Market St., Suite 2620, Philadelphia, PA 19103, has submitted a Notice of Intent to Remediate soils and groundwater contaminated with fuel oil no. 4, leaded gasoline and PAH. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Philadelphia Daily News* on October 23, 2003.

Northeast Regional Field Office: Joseph A. Brogna, Environmental Cleanup Program Manager; 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Helen O'Hora Estate, Silver Lake Township, **Susquehanna County**. Kevin Van Kuren, P. G., Hydrocon Services, Inc., 16 East Minor Street, Emmaus, PA 18049 has submitted a Notice of Intent to Remediate (on behalf of James O'Hora, Case Drive, Vestal, NY 18350) concerning the remediation of soils found or suspected to have been contaminated with home heating oil constituents (no. 2 fuel oil). The applicant proposes to meet the residential Statewide Health Standard. A Final Report was simultaneously submitted. A summary of the Notice of Intent to Remediate was scheduled to be published in the *Susquehanna County Independent* on October 26, 2003.

George V. Seiple & Son Company, Inc. Property, Palmer Township, **Northampton County**. Scott R. Campbell, P. G., Geologist/Project Manager, EarthRes Group, Inc., P. O. Box 468, Pipersville, PA 18947 has submitted a Notice of Intent to Remediate (on behalf of George V. Seiple & Son Company, Inc. c/o Thomas P. Stitt, Sr., CEO, P. O. Box 483, Easton, PA 18044-0483) concern-

ing the remediation of soils found or suspected to be contaminated with pesticides and inorganics and groundwater found or suspected to be contaminated with pesticides. The applicant proposes to meet a combination of the Statewide Health and Site-Specific Standards. A summary of the submission was published in *The Express-Times* on October 4, 2003.

Penn Forest Pipeline—Carbon Valve Station, Towamensing Township, **Lehigh County**. Tiffani L. Doerr, Staff Geoscientist, Groundwater & Remediation Services, Inc., 410 Eagleview Blvd., Suite 110, Exton, PA 19341 has submitted a Notice of Intent to Remediate (on behalf of ExxonMobil Refining & Supply Company c/o Frank J. Messina, Project Manager, 1900 E. Linden Avenue, P. O. Box 728, Linden, NJ 07036-0728) concerning the characterization and remediation of unleaded gasoline constituents in soil and groundwater. The applicant proposes to meet a combination of the Statewide Health and Site-Specific Standards. A summary of the submission was reported to have been published in the *Times News* on October 8, 2003.

RESIDUAL WASTE GENERAL PERMIT

Permit Proposed under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the residual waste regulations for a general permit to beneficially use residual waste.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit Application No. WMGR096. The Department of Environmental Protection (Department), Bureau of Land Recycling and Waste Management, proposes to authorize, under General Permit WMGR096, the beneficial use of regulated fill as construction material to bring an area to grade, control runoff and to limit infiltration. "Regulated fill" is contaminated soil, contaminated dredged material, contaminated used asphalt, historic fill and contaminated brick, block or concrete from construction and demolition activities that is separate from other waste and recognizable as such. The proposed general permit includes maximum concentration limits, sampling and analysis requirements, siting limitations, deed notice requirements, recordkeeping requirements and provisions for ecological protection. This will be a Statewide residual waste general permit.

The Department is authorized under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and 25 Pa. Code § 287.611 to issue general permits for any category of beneficial use or processing that results in beneficial use of residual and municipal waste on a Statewide basis when the Department determines that the use does not harm or present a threat of harm to the health, safety or welfare of the public or the environment and the activity can be adequately regulated using standard conditions. The Department has determined that regulated fill as construction material can be adequately regulated using standard conditions.

Persons requesting approval to operate under the terms of the general permit will be required to register with the Department's Bureau of Land Recycling and Waste Management, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472. The following minimum information will be required to obtain registration:

- a. Name and street address of the registrant.
- b. Name of the generator of the regulated fill and locations of the regulated fill generating sites.
- c. Name, location, area and ownership of the location of beneficial use.
- d. Documentation that the regulated fill meets the conditions of the general permit and that the beneficial use activities will be consistent with the permit.
- e. A signed and notarized statement by the registrant that the registrant accepts all the terms and condition included in the general permit.
- f. Proof that the applicant has legal right to enter the land and perform the activities in the general permit.
- g. An irrevocable written consent from the landowner giving the Department permission to enter upon land where the applicant will be conducting waste management activities.
- h. Information that identifies the applicant (that is, individual, corporation, partnership, government agency, association, and the like), including the names and addresses of every officer that has a beneficial interest in or otherwise controls the operation of the company.
- i. A list of all previous permits or licenses issued to the applicant or any related parties by the Department or Federal government under the environmental protection acts and compliance history concerning those acts.
- j. Proof that any independent contractors retained by the applicant to perform activities authorized under this permit are in compliance with State and Federal laws and regulations relating to environmental protection.
- k. A \$250 registration application fee as specified in the residual waste management regulations payable to the "Commonwealth of Pennsylvania."
- l. Additional information the Department believes is necessary to make a decision.

Comments concerning the application should be directed to William F. Pounds, Chief, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. Persons interested in obtaining more information or obtaining copies of the proposed general permit should contact the Division of Municipal and Residual Waste at the previous phone number. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend additional conditions or revisions to or approval or denial of the proposed general permit.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit Application No. 100009. Lancaster County Solid Waste Management Authority, 1299 Harrisburg Pike, Lancaster, PA 17601-4425, Manheim Township,

Lancaster County. The application is for the permit renewal of the Jack D. Lausch, Sr. Transfer Station. The application was determined to be administratively complete by the Southcentral Regional Office on October 28, 2003.

Permit Application No. 101165. Mifflin County Solid Waste Authority, P. O. Box 390, Lewistown, PA 17044-0390, Derry Township, **Mifflin County.** The application is for the change in final contours for the Barner Landfill. The application was determined to be administratively complete by the Southcentral Regional Office on October 28, 2003.

Comments concerning an application should be directed to John Krueger, Program Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Persons interested in obtaining more information about a general permit application may contact the Waste Management Program, (717) 705-4706. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities.

Copies of the applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified

before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121-143, the Federal Clean Air Act (act) and regulations adopted under the act.

PLAN APPROVALS

Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001-4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.

06-05029B: Reading Body Works, Inc. (P. O. Box 650, Reading, PA 19607-0650) for modification of surface coating lines 111 and 119 in the City of Reading, **Berks County.**

06-03063: East Penn Mfg. Co., Inc. (P. O. Box 147, Lyon Station, PA 19536-0147) for construction of three wire coating lines and a small lead parts casting machine with two lead pots controlled by an existing fabric collector and HEPA filter in the Borough of Kutztown, **Berks County.**

36-05004A: Masterfoods USA, a division of Mars, Inc. (295 Brown Street, Elizabethtown, PA 17022-2192) for modification of both the vacuum conveying system for milk/sugar blend and skim milk powder transport systems at their facility in Elizabethtown Borough, **Lancaster County.**

36-05015C: Dart Container Corp. of PA (60 East Main Street, Leola, PA 17540) for modification of the facility's boilers to use landfill gas as a permitted fuel in Upper Leacock Township, **Lancaster County.**

67-03122: Key Plastics, LLC (3350 Farmtrail Road, York, PA 17402) for installation of three automated paint lines controlled by dry filters in Manchester Township, **York County.**

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: David Aldenderfer, Program Manager; (570) 327-3637.

08-00012A: Taylor Packing Company, Inc. (P. O. Box 188, Wyalusing, PA 18853) for modification of an existing boiler by firing biogas recovered from two anaerobic wastewater lagoons in addition to the no. 2 fuel oil, no. 6 fuel oil, natural gas and tallow it is currently authorized to fire, as well as for the construction of a biogas flare in Wyalusing Township, **Bradford County.**

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Devendra Verma, New Source Review Chief, (814) 332-6940.

24-009E: Weyerhaeuser Co.—Johnsonburg Mill (100 Center Street, Johnsonburg, PA 15845) for removal of capacity restrictions on coal-fired boilers 81 and 82 in Johnsonburg Borough, **Elk County.** This is an NSPS application at a Title V facility.

42-197C: M and M Royalty, Ltd. (Forestry Route 307, Lewis Run, PA 16738) for construction of a second inlet

compressor engine (240 HP), refrigerant compressor (380 HP), a 250,000 Btu/hr reboiler and removal of 155 HP compressor at their Irishtown Processing Plant in Lafayette Township, **McKean County**.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Edward Brown, Facilities Permitting Chief, (610) 832-6242.

15-0066A: Nutra-Soils, Inc. (P. O. Box 485, 181 Willow Street, Toughkenamon, PA 19374) for modification of mushroom compost dryer (dryer) at the Nutra-Soils Composting Facility, 324 East Baltimore Pike, West Grove, PA 19390, London Grove Township, **Chester County**. The modification of the dryer will result in the emissions of 4.99 tons per year of NO_x, 23.87 tons per year of CO, 1.39 tons per year of VOC, 0.35 ton per year of SO_x and 2.18 tons per year of PM. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

46-0091: Sunoco Partners Marketing and Terminals, LP (1801 Market Street, Philadelphia, PA 19103-1699) for the company's Willow Grove Terminal, 3290 Sunset Lane, Upper Moreland Township, **Montgomery County** to install a replacement gasoline vapor control device, as described in the applicant's application of September 5, 2003. The Plan Approval will subsequently be incorporated into the company's Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval PA-46-0091 is for the installation of an enclosed vapor combustion system. The installation of the enclosed vapor combustion system will result in the emissions of 47.9 tons per year of VOCs (35 milligrams of VOC per liter of gasoline loaded), 4.4 tons per year of NO_x and 10.9 tons per year of CO. The Plan Approval and Operating Permit will contain requirements to keep the facility operating within all applicable air quality requirements. Further details on the conditions and reasons for their inclusion are available upon request.

The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, the Department's analysis and other documents used in the evaluation are available for public inspection between 8 a.m. and 4 p.m., weekdays. To make an appointment, contact Records Management at (610) 832-6268.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

67-05043B: Crown Cork and Seal Co. (1650 Broadway, Hanover, PA 17331) for construction of a seam welder on one of the facility's can assembly lines in Penn Township, **York County**. The food can manufacturing plant is designated as a Title V facility. The proposed construction will increase the facility's potential emission

of VOCs by about 2.8 tons per year. Conditions in the plan approval and operating permit will limit the VOC content of the coatings in accordance with 25 Pa. Code § 129.52, with yearly emissions limited to 49 tons per year. The plan approval and operating permit will include emission limits, monitoring, work practice standards, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: David Aldenderfer, Program Manager, (570) 327-3637.

12-399-015D: GE Transportation Systems (55 Pine Street, Emporium, PA 15834) for modification of an armature and motor frame vacuum pressure impregnation (VPI) and surface coating operation in Emporium Borough, **Cameron County**.

The respective operation incorporates a vacuum pressure impregnator and a spray booth. The proposed modification is an increase in the allowable throughput, allowable VOC emission rates and allowable volatile HAP emission rates. GE Transportation Systems has requested an increase in the allowable throughput from the current limit of 624 armatures and 624 motor frames per 12 consecutive month period to 1,248 armatures and 1,248 motor frames per 12 consecutive month period. They have also requested an increase in the allowable VOC and allowable volatile HAP emission rates from the current limits of 4.24 tons and .05 ton, respectively, per 12 consecutive month period to 8.67 tons and .09 ton, respectively, per 12 consecutive month period.

The Department has determined that the modified VPI and surface coating operation will comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12. The Department consequently intends to issue plan approval for the modification of the respective VPI and surface coating operation.

The following is a summary of the conditions the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable regulatory requirements:

1. All conditions contained in Plan Approval 12-399-015C remain in effect unless amended or superseded by a condition contained herein.
2. No more than 1,248 armatures and 1,248 motor frames shall be processed in any 12 consecutive month period.
3. No more than 1.0 gallon of resin and .1 gallon of resin diluent shall be used per armature or motor frame processed (averaged over any 12 consecutive month period). Additionally, no more than a total of 2,496 gallons of resin and 249.6 gallons of resin diluent shall be used in any 12 consecutive month period.
4. All resin used shall be a catalyzed polyester insulating varnish (or a material determined by the Department to be equivalent with respect to VOC emission potential). Additionally, neither the resin nor the resin diluent shall contain any volatile substance designated as an HAP by the EPA.
5. No more than 124.8 gallons of red coating and no more than 124.8 gallons of black coating shall be used in any 12 consecutive month period. Additionally, the VOC and volatile HAP content of the red coating shall not exceed 3.04 pounds and 0 pound per gallon, respectively,

and the VOC and volatile HAP content of the black coating shall not exceed 2.41 pounds and 1.11 pounds per gallon, respectively.

6. The only other coating which shall be used shall be a gray primer with a VOC content of no greater than 3.35 pounds per gallon and a volatile HAP content of no greater than .36 pound per gallon. Additionally, no more than 104 gallons of gray primer shall be used in any 12 consecutive month period.

7. All coatings applied in the spray booth shall be applied with a brush or by using high volume low pressure spray technology.

8. Following the modification, the total combined VOC emissions shall not exceed 8.67 tons in any 12 consecutive month period and the total combined volatile HAP emissions shall not exceed .09 ton in any 12 consecutive month period.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.

61-205A: IA Construction (SR 3003, Harrisville, PA 16038) for modifications made to an existing portable plant that has been operating at this facility under General Permit No. GP-42-199 at their Ben Hal Nectarine Mine, Irwin Township, **Venango County**. In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department intends to issue a plan approval which will, in accordance with 25 Pa. Code § 127.450, be incorporated into a State-only operating permit at a later date.

Issuance of the plan approval is recommended with the appropriate conditions in the plan approval:

1. The source shall comply with 25 Pa. Code § 123.1. All reasonable actions shall be taken to prevent particulate matter from becoming airborne. These actions include, but are not limited to, the following:

Water spray dust suppression systems on portable nonmetallic mineral processing plants shall be operated on any and all occasions that the respective plant is operated. Operation without simultaneous operation of the water spray dust suppression system can take place only in those unusual instances where processed materials contain sufficient moisture so as not to create air contaminant emissions in excess of the limitations and standards of this permit. If, however, the water spray dust suppression system is incapable of operation due to weather conditions or any other reason, the permittee may not operate the plant.

- a) Wetting the stock piled material as necessary.
- b) Application of asphalt, water or suitable chemicals on dirt roads, material stockpiles and other surfaces which may give rise to airborne dust.
- c) Maintain all roads to keep fugitive emissions to the minimum.

2. The permittee shall ensure prompt removal of earth or other material from paved streets onto which earth or other material has been transported by trucking or earth moving equipment, erosions by water or other means.

- 3. The company shall maintain a log of the following:
 - i. Date and time dust suppressant was applied.
 - ii. Date and time entrance road was swept.
 - iii. The log shall be maintained onsite and made available to Department personnel upon request. At least 5 years of records shall be maintained in the log.

4. The permittee shall keep on-hand equipment and materials as are necessary to take reasonable action (including, but not limited to, the application of water, oil or chemicals) to prevent fugitive particulate matter resulting from the use of any roadways and/or material stockpiling operations associated with the plant from becoming airborne and shall be used, as necessary, to prevent fugitive particulate matter from becoming airborne.

5. The rock crushing operation will operate a maximum of 12 hours per day, 6 days a week for a total of 2,760 hours during any 12 consecutive months.

6. Hours of operation shall be recorded daily and a rolling 12-month total determined monthly. The records shall be kept on file for 5 years and made available to the Department personnel upon request.

7. The crushing operation shall not exceed 250 tons of material per hour. The company shall maintain records of hourly production rates. The records shall be kept on file for 5 years and shall be made available to the Department personnel upon request.

8. There will be no crushing and/or screening performed during subfreezing temperatures, unless an anti-freeze product approved by the Department is used.

9. The company shall perform upwind and downwind dustfall monitoring if so requested by the Department. Monitoring shall start within 30 days of at the maximum rated capacity as stated on the application.

10. This facility shall comply with Federal NSPS regulations, 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plant.

11. 40 CFR 60.4 requires submission of copies of all requests, reports, applications, submittals and other communications to both the EPA and the Department. The EPA copies shall be forwarded to Director, Air, Toxics and Radiation Division, US EPA, Region III, 1650 Arch St., Philadelphia, PA 19103-2029.

12. Air pollutant emissions from the diesel engine (Caterpillar, Model 3406 DI) shall not exceed the following limitations (based on full load and the rated horsepower of the engine):

<i>Criteria Pollutants</i>	<i>Emission Limit (grams/hp-hr)</i>	<i>Emissions (tons/year 12-month rolling total)</i>
PM	0.4	0.546
CO	2.0	2.73
NOx	6.9	9.42
Total Hydrocarbons	0.1	0.136

13. The Department reserves the right to require verification of emission rates which may include source testing in accordance with applicable provisions of 25 Pa. Code Chapter 139 or portable exhaust gas analyzers approved by the Department.

14. The amount of fuel used for the diesel engine shall be recorded and the records shall be kept on file for 5 years and shall be made available to the Department personnel upon request.

15. The maximum sulfur content of no. 2 diesel fuel oil shall be 0.3% by weight.

16. Particulate emissions from the diesel engine shall not exceed 0.04 grain/dscf.

17. The diesel engine shall comply with 25 Pa. Code §§ 123.31 and 123.41.

OPERATING PERMITS

Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Contact: Mark J. Wejkszner, New Source Review Chief, (570) 826-2531.

13-00003: Panther Creek Partner (1001 Industrial Road, Nesquehoning, PA 18240-2244) for an electric generating plant and various materials handling processes in the Nesquehoning Borough, **Carbon County**. This action is a renewal of the Title V Operating Permit issued in 1998.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: Muhammad Zaman, Program Manager, (570) 327-0512.

53-00006: Dominion Transmission Inc. (625 Liberty Avenue, Pittsburgh, PA 15222) for renewal of the Title V operating permit for their Ellisburg natural gas storage and transmission facility in Genesee Township, **Potter County**. The facility is currently operating under Title V Operating Permit 53-00006, issued December 22, 1998. The facility's main sources include two 1,100-horsepower natural gas fired internal combustion gas transmission engines, three 2,000-horsepower natural gas fired internal combustion gas transmission engines, three 3,400-horsepower natural gas fired internal combustion gas transmission engines and four 24.5 mmBtu/hr natural gas fired heaters which have the potential to emit major quantities of NO_x, VOCs, formaldehyde (HAP) and CO. The facility has the potential to emit PM₁₀ and SO_x below the major emission thresholds. The proposed Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Edward Brown, Facilities Permitting Chief, (610) 832-6242.

09-00084: Grandview Hospital (700 Lawn Ave., Sellersville, PA 18960) for a non-Title V Facility, State-only, Synthetic Minor Operating Permit in West Rockhill Township, **Bucks County**. The permit is for the operation of four dual fuel (that is, natural gas and no. 2 fuel oil) boilers and four diesel-fired emergency generators. The permit will include monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

15-00061: Phoenixville Hospital (140 Nutt Road, Phoenixville, PA 19460) for operation of boilers and emergency generators at their hospital in Phoenixville Borough, **Chester County**. The permit is for a non-Title V (State-only) facility. The facility has elected to cap their NO_x and SO_x emissions to Minor Source threshold levels to remain a Synthetic Minor. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the hospital operating within all applicable air quality requirements.

09-00080: Milford Enterprises, Inc. (450 Commerce Drive, Quakertown, PA 18951) for a non-Title V, State-

only, Synthetic Minor Operating Permit in Milford Township, **Bucks County**. Milford Enterprises, Inc. manufactures display cases that are used for commercial, architectural and other professional applications. Sources include space heaters, spray booths, adhesive applications, a silk screening process and clean-up operations. VOCs are the main emissions from this facility. The facility-wide limit on VOCs is 24.5 tons per year. Testing, monitoring and recordkeeping requirements have been added to the permit to address applicable limitations.

15-00007: Wyeth-Ayerst Laboratories, Inc. (611 East Niels Street, West Chester, PA 19382) for a non-Title V, State-only, Synthetic Minor Operating Permit in West Chester Borough, **Chester County**. Wyeth-Ayerst Laboratories, Inc. packages products for medical applications. Sources include two boilers, four emergency generators, medical product processing line, crystalline drying process, acid storage tank, packaging line and a wastewater treatment plant. The facility has the potential to produce 21 tons of NO_x per year, 22 tons of CO per year, 8 tons of VOCs per year and 4 tons of HAPs per year. Testing, monitoring and recordkeeping requirements have been added to the permit at the site level and source level to address applicable limitations.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

06-05046: Double H Boot Co. (P. O. Box 68, Womelsdorf, PA 19567-0068) for a leather boot manufacturing facility controlled by a fabric collector in the Borough of Womelsdorf, **Berks County**. The facility is a non-Title V (State-only) facility. The facility will be required to limit the limitations to less than 100 tons for particulate, SO_x, NO_x and CO, 50 tons for VOCs and 10/25 tons for HAPs, during any consecutive 12-month period. Limits will be placed on the sulfur content of the fuel oils used. Records of the emissions will be required monthly and on a 12-month rolling total. The permit will include monitoring, work practices, recordkeeping and reporting to keep the facility operating within all applicable air quality requirements.

07-03040: Pennfield Corp. (711 Rohrerstown Road, Lancaster, PA 17603) for operation of a feed mill in Martinsburg Borough, **Blair County**. The facility has the maximum potential to emit 11 tons/yr of PM₁₀. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

21-03029: Pennsy Supply, Inc. (P. O. Box 3331, Harrisburg, PA 17105) for operation of their crushing operation at the Mount Holly Springs Quarry in Dickinson Township, **Cumberland County**. This is a non-Title V (State-only) facility. The permit will include appropriate conditions designed to keep the facility operating below Title V thresholds for criteria pollutants and within all other applicable air quality requirements.

22-05023: Pittsburgh Terminals Corp. (P. O. Box 2621, Harrisburg, PA 17105) for the administrative amendment to incorporate the ownership change in State-only Operating Permit No. 22-05023 of Harrisburg Terminal in Swatara Township, **Dauphin County**. This facility was formerly owned by ExxonMobil Oil Corporation. The facility's major sources of emissions includes a petroleum product loading rack which primarily emits VOCs.

38-03015: Pennsy Supply, Inc. (P. O. Box 3331, Harrisburg, PA 17105) for operation of its crushing operation

at the Fontana Quarry in South Annville Township, **Lebanon County**. This is a non-Title V (State-only) facility. The permit will include appropriate conditions designed to keep the facility operating below Title V thresholds for criteria pollutants and within all other applicable air quality requirements.

38-03024: Polyone Engineered Films, Inc. (1507 Willow Street, Lebanon, PA 17046) for operation of a flexible vinyl sheet manufacturing plant in the City of Lebanon, **Lebanon County**. This facility's PM emissions are controlled by four fabric collectors and a settling chamber. The State-only Operating Permit will include conditions designed to keep the facility operating within all applicable air quality standards.

38-05018: Department of Veterans Affairs (1700 South Lincoln Avenue, Lebanon, PA 17042) for operation of their Lebanon VA Medical Center in South Lebanon Township, **Lebanon County**. The State-only operating permit will limit SOx emissions to less than 100 tons per year. The permit shall contain testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

44-05013: Eastern Industries, Inc. (P. O. Box 177, Winfield, PA 17889) for operation of their Naginey Stone and Blacktop Plant in Armagh Township, **Mifflin County**. A wet suppression system controls the limestone crushing operation and the blacktop plant is controlled by a knockout box, in series with a fabric collector. Actual emissions for criteria pollutants will be held below Title V thresholds by limiting the annual production of hot mix asphalt. The operating permit will contain appropriate conditions designed to keep the facility operating within all other applicable air quality requirements.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: Muhammad Zaman, Facilities Permitting Chief, (570) 327-0512.

19-00010: Wise Foods, Inc. (228 Raseley Street, Berwick, PA 18603), for their Wise Foods Berwick plant in Berwick Borough, **Columbia County**. The facility's main sources include 3 potato chip manufacturing lines, 6 related snack food manufacturing lines, 71 combustion units and 6 process ovens. The facility has the potential to emit major quantities of SOx. The facility has taken a synthetic minor restriction to limit its usage of no. 2 fuel oil to keep its SOx emissions below the major emission thresholds. The facility has the potential to emit NOx, CO, PM (PM10), VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

18-00014: Jersey Shore Steel Co. (P. O. Box 5055, Jersey Shore, PA 17740), for their steel rolling mill in Pine Creek Township, **Clinton County**. The facility's main sources include 1 steel reheat furnace, 3 scarfing booths and 46 other combustion units. The facility has the potential to emit major quantities of SOx. The facility has taken a synthetic minor restriction to limit its SOx emissions below the major emission thresholds. The facility has the potential to emit NOx, CO, PM (PM10), VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); and The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining Office indicated before an application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

Written comments, objections or requests for informal conferences on applications may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition to the previous, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of the NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30 day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor wishes to have the conference conducted in the locality of the proposed mining activities.

Coal Applications Received

Effluent Limits—The following coal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: (1) surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas, active areas disturbed by coal refuse disposal activities and mined areas backfilled and revegetated; and (2) drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

California District Mining Office: 25 Technology Drive, California Technology Park, Coal Center, PA 15423, (724) 769-1100.

32921601. NPDES Permit No. PA0095117, Sprinkle Mills Tipple (P. O. Box 343, Punxsutawney, PA 15767-0343), to renew the permit for the Valier Coal Yard in North Mahoning and Perry Townships, **Indiana and Jefferson Counties** and related NPDES permit, no additional discharges. Application received August 21, 2003.

03921602. NPDES Permit No. PA0214388, Glacial Sand & Gravel Company (P. O. Box 1022, Kittanning, PA 16201), to renew the permit for the Glacial Coal Tipple in East Franklin Township, **Armstrong County** and related NPDES permit, no additional discharges. Application received September 17, 2003.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.

56010106 and NPDES Permit No. PA0249076. PBS Coals, Inc., P. O. Box 260, Friedens, PA 15541, permit transfer from Heritage Mining Company, P. O. Box 126, Cresson, PA 16630, for continued operation of a bituminous surface and auger mine in Shade Township, **Somerset County**, affecting 317.1 acres. Receiving streams: Dixie Run and Fallen Timber Run (CWF). The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stonycreek Surface Water Withdrawal. Application received October 7, 2003.

56950110 and NPDES Permit No. PA0213217. Ritchie Trucking and Excavating, Inc., 19709 Winner View Terrace, Frostburg, MD 21532, permit transfer from Hardrock Coal Company, 19709 Winner View Terrace, Frostburg, MD 21532, for continued operation of a bituminous surface mine in Elk Lick Township, **Somerset County**, affecting 166.8 acres. Receiving streams: unnamed tributary to/and Flag Run, unnamed tributary to/and Casselman River (CWF). There are no potable water supply intakes within 10 miles downstream. Application received October 14, 2003.

Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982, (724) 925-5500.

65980106 and NPDES Permit No. PA0202380. Gary Gioia Coal Company (319 Karen Drive, Elizabeth, PA 15037). Renewal application for continuation of operation and reclamation of an existing bituminous surface mine

in South Huntingdon Township, **Westmoreland County**, affecting 40 acres. Receiving stream: unnamed tributary to Sewickley Creek (WWF). The first potable water supply intake within 10 miles downstream from the point of discharge is Municipal Authority of Westmoreland County. Renewal application received October 22, 2003.

Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209, (814) 342-8200.

17980110 and NPDES Permit No. PA0238023. Junior Coal Contracting, Inc., 2330 Six Mile Road, Philipsburg, PA 16866. Renewal of an existing bituminous surface mine permit in Decatur Township, **Clearfield County** affecting 73.6 acres. Receiving streams: Albert Run to Little Laurel Run to Laurel Run to Moshannon Creek to West Branch Susquehanna River. Application received September 22, 2003.

17820104 and NPDES Permit No. PA0609218. Sky Haven Coal, Inc., 5510 State Park Road, Penfield, PA 15849. Renewal of an existing bituminous surface mine-coal ash disposal permit in Boggs and Bradford Townships, **Clearfield County**, affecting 479.5 acres. Receiving streams: Long Run and an unnamed tributary to Clearfield Creek to West Branch Susquehanna River. Application received September 30, 2003.

17910127 and NPDES Permit No. PA0206750. Fred Kitko, R. D., Coalport, PA 16627. Renewal, for reclamation only, of an existing bituminous surface mine permit in Beccaria Township, **Clearfield County** affecting 136 acres. Receiving streams: Banian Run. Application received October 14, 2003.

17860104 and NPDES Permit No. PA0611077. Sky Haven Coal, Inc., R. D. 1, Box 180, Penfield, PA 15849. Revision to an existing bituminous surface mine-auger permit, for a change in permit acres from 255 to 267.8 acres. The permit is in Girard Township, **Clearfield County**. Receiving streams: Deer Creek, Buck Run (CWF). Application received October 14, 2003.

17930128 and NPDES Permit No. PA0219720. Moravian Run Reclamation Co., Inc., 605 Sheridan Drive, Clearfield, PA 16830. Renewal of an existing bituminous surface mine-auger permit in Penn Township, **Clearfield County** affecting 106.2 acres. Receiving streams: unnamed tributaries to Bell Run to West Branch Susquehanna River. Application received October 20, 2003.

Coal Applications Returned

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.

40940102. Kenzakoski Brothers (P. O. Box 1816, Plains, PA 18705), commencement, operation and restoration of an anthracite surface mine operation in Swoyersville Borough and Kingston Township, **Luzerne County** affecting 44.15 acres, receiving stream: none. Application received September 21, 1994. Application returned October 20, 2003.

California District Mining Office: 25 Technology Drive, California Technology Park, Coal Center, PA 15423, (724) 769-1100.

30841320. NPDES Permit No. PA0213861, Dana Mining Company of PA, Inc. (P. O. Box 1209, Morgantown, WV 26507), to revise the permit for the Dooley Run Mine in Dunkard Township, **Greene County**, to add pump station, pipeline and water handling

Parameter	39-Day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

A settleable solids instantaneous maximum of 0.5 ml/l applied to surface runoff resulting from a precipitation event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.

58000848. Charles V. Ace (R. R. 3 Box 85, Meshoppen, PA 18360), Stage I and II bond release for a quarry operation in Auburn Township, **Susquehanna County** affecting 1.0 acre on property owned by Charles V. Ace. Application received October 22, 2003.

Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669, (814) 797-1191.

37930305. G. L. McKnight, Inc. (P. O. Box 773, Slippery Rock, PA 16057). Renewal of NPDES Permit No. PA0211745, Plain Grove Township, **Lawrence County**. Receiving streams: unnamed tributary to Taylor Run and Taylor Run (CWF). There are no potable surface water supply intakes within 10 miles downstream. NPDES renewal application received October 23, 2003.

10980302 and NPDES Permit No. PA0227641. IA Construction Corporation (2100 Garden Drive, Seven Fields, PA 16046). Transfer of an existing limestone operation in Cherry and Slippery Rock Townships, **Butler County** affecting 119.9 acres. Receiving streams: Slippery Rock Creek, McMurray Run and unnamed tributaries to McMurray Run (CWF). There are no potable surface water supply intakes within 10 miles downstream. Transfer from Ben Hal Mining Company. Application received October 23, 2003.

Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209, (814) 342-8200.

1479401 and NPDES Permit No. PA0118001. Graymont (PA) Inc., P. O. Box 448, Bellefonte, PA 16823. Renewal of an existing Large Industrial Minerals NPDES Permit in Spring Township, **Centre County** affecting 250 acres. Receiving streams: Logan Branch and Spring Creek. Application received October 20, 2003.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA)

borehole, no additional discharges. Application returned October 2, 2003.

Noncoal Applications Received

Effluent Limits—The following noncoal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

(33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Individuals will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on each working day at the office noted before the application.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the FWPCA (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

E23-439. The Henderson Group, 112 Chelsey Drive, Suite 200, Media, PA 19063-1762, Middletown Township, **Delaware County**, ACOE Philadelphia District.

To perform the following activities associated with the proposed Henderson Elwyn office campus:

(1) To place and maintain fill in 0.08 acre of wetlands (PFO).

(2) To place fill in approximately 1,500 linear feet of unnamed tributary to Ridley Creek (HQ-TSF).

(3) To construct and maintain an outfall structure along an unnamed tributary of Ridley Creek (HQ-TSF).

The project proposes to directly impact a total of 0.47 acre of intermittent watercourse and 0.08 acre of wetlands. The site is just east of the intersection of Baltimore Pike and Media Bypass (SR 0001) (Media, PA USGS Quadrangle N: 7.5 inches; W: 5.5 inches).

E09-866. Department of Transportation, District 6, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, Newtown Township, **Chester County**, ACOE Philadelphia District.

To remove the existing four-span bridge structure that carries SR 0332 (Richboro Road Bridge) over the Neshaminy Creek (WWF, MF) and to construct and maintain a 280-foot long 17.8-foot underclearance with a three-span prestressed concrete bridge at the same location. The removal and construction of the bridge will require three temporary causeways across the Neshaminy Creek impacting 264 linear feet of stream. The project also includes the relocation of an unnamed intermittent channel along the north side of the western and southern causeways and construction of the bridge to facilitate access during demolition and construction of the bridge noted previously and to facilitate a proposed bike path and pedestrian walkway. The site is approximately 1 mile west of the intersection of Newtown bypass/PA 413 and Richboro Road (Langhorne, PA Quadrangle N: 18 inches; W: 12.5 inches).

E46-948. Upper Dublin Township, 801 Loch Alsh Avenue, Fort Washington, PA 19034, Upper Dublin Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain the following activities in and along unnamed tributaries to Wissahickon Creek (TSF) to reduce a flooding problem:

1. To remove approximately 550 linear feet of an existing 54-inch by 36-inch CMP.

2. To construct and maintain 550 linear feet of dual 2—48-inch RCP stream enclosures which run parallel in the approximate location of the existing 54-inch by 3-inch CMP that extends from Highland Avenue to Inverness Avenue.

3. To install and maintain inlets, headwalls, endwalls and a 2-foot by 6-foot catch basin.

The site extends from the intersection of Highland Avenue and Farm Lane and terminates at Inverness Avenue (Ambler, PA Quadrangle N: 4.5 inches; W: 11.78 inches).

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

E05-314: James A. and Kristie M. Schwartz, 3773 Evitts Creek Road, Bedford, PA 15522 in Cumberland Valley Township, **Bedford County**, ACOE Baltimore District.

To install and maintain a 20-foot long, 48-inch diameter culvert pipe crossing an unnamed tributary to Evitts Creek, within Cumberland Valley Township, Bedford County (Beans Cove, PA Quadrangle N: 14.4 inches; W: 16.65 inches).

E07-378: County of Blair, 423 Allegheny Street, Holidaysburg, PA 16648 in Tyrone Township, **Blair County**, ACOE Baltimore District.

To maintain Blair County Bridge No. 48 spanning the Little Juniata River within Tyrone Township, Blair County (Tyrone, PA Quadrangle N: 4.4 inches; W: 10.3 inches). The proposed work includes the replacement of fascia stringers with steel I-beams and the replacement of the wood decking.

E36-772: Department of Transportation, District 8-0, 2140 Herr Street, Harrisburg, PA 17103 in Warwick Township, **Lancaster County**, ACOE Philadelphia District.

To remove the existing culvert and then to construct and maintain a new 16-foot concrete box culvert at the channel of New Haven Run (WWF) on SR 1031, Section 003, Segment 0030, Offset 0475 (Creek Road) about 1/2 mile south of Millport Village (Lititz, PA Quadrangle N: 0.25 inch; W: 1.25 inches) in Warwick Township, Lancaster County.

E21-353: Orchard Development Group, LLC, 2000 Technology Parkway, Suite 200, Mechanicsburg, PA 17050.

To install and maintain: (1) a 25-foot 2-inch by 8-foot 5-inch long span arch 137 feet in length and relocation of 110 feet of stream channel; (2) a 27-foot 3-inch by 10-foot long span arch 98 feet in length; (3) a 28-foot 1-inch by 9-foot 6-inch long span arch 54 feet in length; (4) a 28-foot 1-inch by 9-foot 6-inch long span arch 70 feet in length; (5) permanent wetland fill of 0.82 acre; and (6) four utility line crossings, all to cross an unnamed tributary to the Yellow Breeches Creek (CWF) and associated wetlands, for the purpose of constructing the Glaize Orchard Planned Residential Development directly east of the Winding Hill Road Park and Ride Lot on US Route 15 south of the Turnpike (I-76) (Lemoyne, PA Quadrangle N: 11.5 inches; W: 12.0 inches) in Upper Allen Township, **Cumberland County**.

E67-752: Crosswinds Associates Development Co., Inc., 336 West King Street, Lancaster, PA 17603.

To construct and maintain a 5-foot by 50-foot concrete box culvert and two 18-inch outfall pipes across and along Billion Run (TSF), a 30-inch 306-foot stream enclosure, a 30-inch 98-foot stream crossing and an 18-inch 75-foot stream crossing all in unnamed tributaries to Billion Run (TSF) and a permanent wetland impact of 0.20 acre of emergent wetlands. The amount of wetland impact will require mitigation and the applicant has proposed 0.22 acre of replacement. The sanitary sewer, water cable, gas and electric lines will pass over or under each of the stream crossings listed previously. The project is near the intersection of Route 83 and Route 295 (Dover, PA Quadrangle N: 11.8 inches; W: 2.8 inches) in Conewago Township, **York County**.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.

E14-417A5. Penns Valley Conservation Association, 249 Madisonburg Pike, Madisonburg, PA 16852, Futhey Farm in Haines Township, **Centre County**, ACOE Baltimore District (Millheim, PA Quadrangle N: 3.0 inches; W: 2.5 inches).

To construct and maintain: (1) two 60-foot by 14-foot rock cattle crossing through existing streambank fencing; (2) two waterline crossing next to one of the cattle crossings; and (3) one outfall for roof runoff spouting to

get the runoff out of the cow path area, in or over an unnamed tributary to Pine Creek, 1 mile south of Fiedler Road. This project proposes to impact 25 linear feet of Pine Creek (EV watershed).

E17-386. Department of Transportation, Engineering District 2-0, P. O. Box 342, Clearfield, PA 16830, SR 0219, Section 229 Bridge Replacement in the City of DuBois and Sandy Township, **Clearfield County**, ACOE Pittsburgh District (Falls Creek, PA Quadrangle N: 0.9 inch; W: 4.8 inches).

To realign 66 feet of Clear Run channel, remove two existing bridges and construct, operate and maintain a single span concrete adjacent box beam bridge to carry SR 0219, Section 229 across Clear Run (CWF) to improve public highway safety. The prestressed concrete bridge shall be constructed with a minimum normal span of 32.8 feet, underclearance of 4.4 feet, skew of 83 degrees. The bridge replacement project will not impact wetlands while impacting 136 feet of waterway on SR 0219, approximately 1.1 mile east of SR 0830 and SR 0219 intersection.

E53-394. National Fuel Gas Supply Corporation, 1100 State Street, Erie, PA 16501, Y-M2 24-inch natural gas pipeline replacement in Hebron, **Potter County**, ACOE Pittsburgh District (Sweden Valley, PA Quadrangle N: 22.4 inches; W: 15.4 inches).

To replace, operate and maintain a 24-inch diameter gas transmission pipeline beneath an unnamed tributary to South Branch Oswayo Creek (EV). Replacement of the 24-inch gas transmission line will be limited to a maximum stream impact of 5 feet. Replacement of the 24-inch pipeline shall be conducted in dry work conditions by dam and pumping or fluming stream flow around the work area. Since the South Branch Oswayo Creek is protected as a wild trout fishery, no replacement or future maintenance shall be conducted in or along the stream channel between October 31 and April 1 without prior written approval from the Fish and Boat Commission. The gas pipeline right-of-way is along the northern and southern right-of-way of SR 4008 approximately 600 feet east of T-356 and SR 4008 intersection. This permit does not authorize any temporary or permanent impact to wetlands that may be along the gas pipeline right-of-way.

ENVIRONMENTAL ASSESSMENTS

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

EA24-06-007, John Kosco c/o William E. McCafferty, Professional Forester, Woodland Management and Services, 956 Fern Road, St. Marys, PA 15857. John Kosco private driveway across Spring Run in Jay Township, **Elk County**, ACOE Pittsburgh District (Weedville, PA Quadrangle N: 14.35 inches; W: 16.1 inches).

Request for approval of a waiver of permit requirements under section 105.12(a)(11) for the removal of a deteriorated concrete stream crossing and for approval of a waiver of permit requirements under section 105.12(a)(9) to construct and maintain a ford crossing for individual private personal use. The project is approximately 0.4 mile north of T-417 (Spring Run Road), 0.8 mile east of SR 255.

EA61-06-003, Pennzoil-Quaker State Company c/o TolTest, Inc., Parkway Building East, 339 Haymaker Road, Suite 1101, Monroeville, PA 15146-1435. Rouseville Refinery Plant 2 Oil Creek Pipeline Abandonment in Cornplanter Township, **Venango County**, ACOE Pittsburgh District (Oil City, PA Quadrangle N: 14.0 inches; W: 8.6 inches).

To permanently close and abandon in place 11 pipelines across Oil Creek at the former Pennzoil-Quaker State Company Rouseville Refinery Plant 2 facility approximately 1.9 miles upstream of the Allegheny River. These pipelines were authorized by Permit No. 6177703, as amended. Closure involves excavation and sectioning of the pip stubs below grade and filling the lines with an inert, solit, nonshrinking material (cement grout).

ACTIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

The Department of Environmental Protection (Department) has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and Notices of Intent for coverage under General Permits. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal wastes; discharges to groundwater
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

Sections I—VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted Notices of Intent (NOI) for coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in each general permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may

be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

I. NPDES Renewal Permit Actions

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PAR10I181R	Gary Houck Properties 7464 Linglestown Rd. Harrisburg, PA 17112	West Hanover Township Dauphin County	Beaver Creek WWF	Y
PAR10I182R	Yingst Homes, Inc. 7100 Fishing Creek Valley Rd. Harrisburg, PA 17112	West Hanover Township Dauphin County	Beaver Creek WWF	Y
PAG2002203030	Department of Transportation District 8-0 2140 Herr St. Harrisburg, PA 17103-1699	Susquehanna and Middle Paxton Townships Harrisburg City Dauphin County	Susquehanna River WWF	Y
PAR10I183R	West Hanover Development, LLC 7100 Fishing Creek Valley Rd. Harrisburg, PA 17112	West Hanover Township Dauphin County	Manada Creek WWF	Y
PAR10O354-R	Murry Development Corp. 1899 Lititz Pike Lancaster, PA 17601	Manor Township Lancaster County	Conestoga River WWF	Y
PAR10Y340-R	Woohave Building and Development 900 A Wakefield Valley Road New Windsor, MD 21776	Dover Township York County	UNT to Fox Run TSF	Y
PA0087874 SEW	Robert H. and Lucille A. Kreiser 1429 Elm Road Elizabethtown, PA 17022	Dauphin County Conewago Township	UNT Brills Run 7G	Y
PA0027952 SEW	Sunoco, Inc. East Quaker Park Building 1001 Hector Street 4th Floor Conshohocken, PA 19428	Lebanon County South Londonderry Township	UNT Conewago Creek 7G	Y

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0113298 Sewage Public	Elkland Borough Authority 105 Parkhurst Street Elkland, PA 16920	Tioga County Elkland Borough	Cowanessque River 4A	Y
PA0113743	Grove Township Crestline STP P. O. Box 43 Sinnemahoning, PA 15861	Cameron County Grove Township	Sinnemahoning Creek 8A	Y

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0002488 Industrial Waste	Pennsylvania Power Company Bruce Mansfield Plant P. O. Box 128 Shippingport, PA 15077-0128	Beaver County Georgetown Borough	Ohio River	Y
PA0093726 Sewage	Kittanning Township Elementary School Sewage Treatment Plant	Armstrong County Kittanning Township	Rupp Run	Y
PA0216216	Burgettstown-Smith Township Joint Sewerage Authority P. O. Box 358 Atlasburg, PA 15004	Washington County Smith Township	Raccoon Creek	Y
PA0218049	Midway Sewerage Authority P. O. Box 600 Midway, PA 15060	Washington County Robinson Township	Robinson Run	N

II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

NPDES Permit No. PA0013463 Amendment No. 2, Industrial Waste, United States Steel Corporation, U. S. Steel Group, Fairless Hills, PA 19030. This proposed facility is in Falls Township, **Bucks County**.

Description of Proposed Action/Activity: Approval to amend existing permit to discharge into receiving waters named Delaware River Zone 2.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

NPDES Permit No. PA0252468, Industrial Waste, Kittanning Suburban Joint Water Authority, R. R. 1, Box 23, Adrian, PA 16210-9712. This proposed facility is in East Franklin Township, **Armstrong County**.

Description of Proposed Action/Activity: Discharge of treated backwash water, clarifier sludge, filter-to-wastewater and untreated stormwater runoff from KSJWA Water Treatment Plant.

NPDES Permit No. 0026841-A3, Sewage, Borough of Oakmont, Fifth St. and Virginia Avenue, P. O. Box 206, Oakmont, PA 15139-0206. This proposed facility is in Oakmont Borough, **Allegheny County**.

Description of Proposed Action/Activity: Addition of stormwater outfalls which discharge to receiving waters known as the Allegheny River.

III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

WQM Permit No. 1503410, Sewerage, Little Washington Wastewater Company, 762 Lancaster Avenue, Bryn Mawr, PA 19010-3489. This proposed facility is in Newlin Township, **Chester County**.

Description of Proposed Action/Activity: Construction and operation of a sewage treatment plant for a 50-lot subdivision.

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

WQM Permit No. 0603408, Sewerage, Cheri and Doug Wright, 131 Camp Strauss Road, Bethel, PA 19597. This proposed facility is in Bethel Township, **Berks County**.

Description of Proposed Action/Activity: Construction of a small flow sewage system to serve their residence.

WQM Permit No. 3603206, CAFO, Clifford W. Holloway, Jr., Red Knob Farms, 309 Goat Hill Road, Peach Bottom, PA 17563. This proposed facility is in Fulton Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction of a 12-foot by 80-foot diameter (451,000-gallon) concrete manure storage facility to handle the Red Knob Farms heifer operation on the Clifford Holloway farm.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

WQM Permit No. 5903401, Sewerage 4952, Nelson Township Authority, P. O. Box 100, Nelson, PA 16940. This proposed facility is in Nelson Township, **Tioga County**.

Description of Proposed Action/Activity: Issuance of a Water Quality Management Part II Permit for construction of a wastewater collection system for the Route 49 Corridor area, Route 49 pump station and upgrade and renovations to the wastewater treatment plant.

WQM Permit No. 1403403, Sewage 4952, Thomas H. Gilmore, 482 Sharer Road, Centre Hall, PA 16828. This proposed facility is in Potter Township, **Centre County**.

Description of Proposed Action/Activity: Construction and operation of a single residence sewage plant. The sewage plant will be a septic tank, peat moss filter and chlorination.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

WQM Permit No. 0203407, Sewerage, Shipley Brothers Development, Inc., 12300 Perry Highway, Suite 211, Wexford, PA 15090. This proposed facility is in Pine Township, **Allegheny County**.

Description of Proposed Action/Activity: Construction of grinder pump and force main, collection and conveyance system to serve Lake MacCleod Plan of Lots.

WQM Permit No. 2603402, Sewerage, **North Union Township Authority**. This proposed facility is in North Union Township, **Fayette County**.

Description of Proposed Action/Activity: Construction of pump station and sanitary sewers.

WQM Permit No. 3202405, Sewerage, **Indiana County Municipal Services Authority**, 827 Water Street, Indiana, PA 15701. This proposed facility is in Montgomery Township, **Indiana County**.

Description of Proposed Action/Activity: Construction of a new sewage treatment plant, a pump station, force main, sewer and appurtenances to serve households in Montgomery Township, Indiana County.

WQM Permit No. 3203406, Sewerage, **Indiana County Municipal Services Authority**, 827 Water Street, Indiana, PA 15701. This proposed facility is in Cherryhill Township, **Indiana County**.

Description of Proposed Action/Activity: Construction of a sewage treatment plant and sewer system to serve the Village of Penn Run.

WQM Permit No. 6503403, Sewerage, **Hempfield Township Municipal Authority**, R. D. 6, Box 501, Greensburg, PA 15601. This proposed facility is in Hempfield Township, **Westmoreland County**.

Description of Proposed Action/Activity: Construction of pump station to eliminate wet weather surcharging in the New Stanton Interceptor.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAI134807	The Pennsylvania State University University Park, PA 16802-1118	Centre	Ferguson, College and Patton Townships State College Borough	Spring Creek HQ-CWF	Y
PAI134805	Ferguson Township 3147 Research Drive State College, PA 16801	Centre	Ferguson Township	Spring Creek HQ-CWF	Y
PAI134804	State College Borough 243 South Allen Street State College, PA 16801-4864	Centre	State College Borough	Thompson Run HQ-CWF Slab Cabin Run CWF Big Hollow CWF	Y
PAI134801	Harris Township P. O. Box 20 Boalsburg, PA 16827	Centre	Harris Township	Spring Creek HQ-CWF Cedar Run HQ-CWF Slab Cabin Run CWF Roaring Run HQ-CWF Shingletown Branch HQ-CWF Laurel Run HQ-CWF Detweiler Run HQ-CWF Sinking Creek CWF	Y
PAI134802	Patton Township 100 Patton Plaza State College, PA 16803-2304	Centre	Patton Township	UNTs to Spring Creek HQ-CWF UNTs to Buffalo Run HQ-CWF	Y

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAI134803	College Township 1481 East College Avenue State College, PA 16801-6815	Centre	College Township	Spring Creek HQ-CWF Cedar Run HQ-CWF Slab Cabin Run CWF Thompson Run HQ-CWF	Y
PAI134806	Department of Corrections SCI Rockview P. O. Box 598 2520 Lisburne Road Camp Hill, PA 17001	Centre	Benner Township	Logan Branch CWF	Y

V. NPDES Waiver Stormwater Discharges from MS4 Actions

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG134813	Benner Township 1224 Buffalo Run Road Bellefonte, PA 16823	Centre	Benner Township	Spring Creek HQ-CWF	Y

VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10G11-R	RHG Properties, Inc. Deer Run Mobile Home Park 2846 Main Street, 12 A Morgantown, PA 19543-0677	Chester	Honey Brook Township	West Branch Brandywine Creek HQ-TSF-MF
PAI011503077	Joyce Realty Corporation Sts. 30 and 31	Chester	Westtown Township	Hunters Run HQ-TSF
PAI011503080	Charles D. Lester Lester Property 280 Mount Hope Road Lincoln University, PA 19352	Chester	New London Township	Hodgson Run HQ-TSF-MF
PAII010903002	Archdiocese of Philadelphia St. Isidore's Catholic Church 222 North 17th Street Philadelphia, PA 19103-1299	Bucks	Milford Township	Unami Creek HQ-TSF

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024003002	J. G. R. Enterprises, Inc. 26 N. Ridge St. Denville, NJ 07834	Luzerne	Butler Township	Nescopeck Creek HQ-CWF
PAI024503013	Williams and Williams Real Estate P. O. Box 3655 Scranton, PA 18505	Monroe	Coolbaugh Township	Upper Tunkhannock Creek HQ-CWF
PAI024803018	Richard Markovci 218 Kromer Rd. Wind Gap, PA 18091	Northampton	Upper Nazareth Township	Tributary to Monocacy Creek HQ-CWF
PAI024803008	Chrin Land Developers 5230 William Penn Highway Easton, PA 18045	Northampton	Tatamy Borough Palmer Township	Bushkill Creek HQ-CWF Shoeneck Creek WWF

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI2034403001	William Shafranich and Tate G. Scott 12628 Ferguson Valley Road Lewistown, PA 17044	Mifflin	Brown Township	UNT to Tea Creek CWF
PAI032103005	Carlisle HMA, Inc. c/o UCMC 1530 North Limestone Street Gaffney, SC 29340	Cumberland	South Middleton Township	LeTort Spring Run EV
PAI030703002	Paul and DeAnne Yohn P. O. Box 951 Altoona, PA 16603	Blair	Frankstown Township	UNT to Canoe Creek HQ-CWF
PAS10C052	PA Southeast Conference of the United Church of Christ 505 South Second Street Collegeville, PA 19426	Berks	District and Hereford Townships	West Branch Perkiomen Creek

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041403008	William Bachman Huston Township Authority P. O. Box 40 Julian, PA 16844	Centre	Huston Township	Laurel Run and UNT Laurel Run EV
PAI041403009	Alpha Community Ambulance Service Main Facility P. O. Box 272 State College, PA 16804	Centre	College Township	Thompson Run HQ-CWF

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

NOTICES

5555

General Permit Type—PAG-2

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Westtown Township Chester County	PAG2001503105	Westminster Presbyterian Church 10 West Pleasant Grove Road West Chester, PA 19382	Goose Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Westtown Township Chester County	PAG2001503086	West Chester Area School District New Bayard Rustin High School 1181 McDermott Road West Chester, PA 19380	Goose Creek Chester Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
East Coventry Township Chester County	PAG2001503104	Parkerford Properties 28 Wells Road Parkerford, PA 19457	Schuylkill River WWF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
West Bradford Township Chester County	PAG2001503080	Fred Tropea Bradford Pointe Subdivision Regency Plaza Suite 28 P. O. Box 448 Glen Mills, PA 19342-0448	Unnamed tributary Valley Run TSF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Franklin Township Chester County	PAG2001503093	BBC Properties, Inc. Kemblesville Happy Harry's 144 Kings Highway, SW Dover, DE 19901	Unnamed tributary West Branch White Clay Creek TSF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
East Vincent Township Chester County	PAG2001503081	Epic Builders, Inc. 977 East Schuylkill Road Pottstown, PA 19465	Unnamed tributary Schuylkill River WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
West Caln Township Chester County	PAG2001503077	Farpoint Associates, Inc. Meadowbrook Subdivision 123 Culbertson Run Road Downingtown, PA 19335-1133	Rock Run TSF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Kennett Township Chester County	PAG2001503110	Phillips Mushroom Farm, LP 1011 Kaolin Road Kennett Square, PA 19348	Unnamed tributary West Branch Red Clay Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Westtown Township Chester County	PAG2001503090	P & B Developers, Inc. Liberty Square 1575 Poorhouse Road Downingtown, PA 19335	Chester Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Oxford Township Chester County	PAG2001503109	Henry T. Wilson Wilson Farm Minor Subdivision 5006 Forge Road Oxford, PA 19363	Unnamed tributary to Octoraro Creek TSF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
West Goshen Township Chester County	PAG2001503101	Berwind Properties 200 Lawrence Drive 1500 Market Street 3000 Center Square West Philadelphia, PA 19102	East Branch Chester Creek TSF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Newtown Township Delaware County	PAG2002303035	Jerome Esterson St. Anastasia 3301 West Chester Pike Newtown Square, PA 19073	Foxes Run CWF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Aston Township Delaware County	PAG2002303065	John Steffy Penn Delco School District 95 Concord Road Aston, PA 15014	Chester Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Upper Merion Township Montgomery County	PAG2004603104	Stoudt Ferry Preparation Co. North Abrams Basin P. O. Box 270 300 Industrial Park Road St. Clair, PA 17970	Trout Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Merion Township Montgomery County	PAG2004603098	Brian/Joan Gail and Ralph/Sharon Harris Gail/Harris Pond Maintenance 1314 Mt. Pleasant Rd. Villanova, PA 19085	Arrowmink Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Towamencin Township Montgomery County	PAG2004603146	Better Living Homes, Inc. 1010 Greenbriar Road Lansdale, PA 19446	Unnamed tributary Towamencin Creek, Skippack Creek, Delaware River TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Hatfield Township Montgomery County	PAG2004603023	Line Lexington Management Co. Marketplex at Line Lexington 768 North Bethlehem Pike, Suite 201 Lower Gwynedd, PA 19002	Tributary West Branch Neshaminy Creek TSF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Douglass Township Montgomery County	PAG2004603204	Berks Montgomery Mun. Auth. West Swamp Creek WWTP P. O. Box 370 Municipal Drive Gilbertsville, PA 19525	Swamp Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Gwynedd Township Montgomery County	PAG2004603200	Philomeno and Salamone Woods at Gwynedd Valley 545 West Germantown Pike Plymouth Meeting, PA 19462	Unnamed tributary Wissahickon Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Carbon County Mahoning Township	PAG2001303006	Salvatore Caruso 1670 Blakeslee Blvd. Lehigh, PA 18235	Mahoning Creek CWF	Carbon County Conservation District (610) 377-4894

NOTICES

5557

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Luzerne County Kingston Township	PAG2004003032	Kingston Township 180 E. Center St. Shavertown, PA 18708	Abrahams Creek CWF	Luzerne County Conservation District (570) 674-7991
Northampton County Bethlehem Township	PAG2004803014	Bethlehem Township 4225 Easton Ave. Bethlehem, PA 18020	Nancy Run CWF-MF (Source to SR 3007 Bridge)	Northampton County Conservation District (610) 746-1971
Amity Township Berks County	PAG2000603066	Daniel Boone School District 1445 E. Main St. Douglassville, PA 19518	Manatawny Creek CWF	Berks County Conservation District 1238 County Welfare Rd. P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201
Spring and South Heidelberg Townships Berks County	PAG2000603071	Donald Lerch Department of Transportation Engineering District 5-0 1713 Lehigh St. Allentown, PA 18103	Cacoosing Creek WWF	Berks County Conservation District 1238 County Welfare Rd. P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201
Heidelberg Township Womelsdorf Borough Berks County	PAG2000603062	Richard Levensgood LAO Company P. O. Box 928 Lancaster, PA 17608	Tulpehocken Creek CWF	Berks County Conservation District 1238 County Welfare Rd. P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201
Robeson Township Berks County	PAG2000603070	Robert L. and Joan M. Deeds 1471 Golf Course Rd. Birdsboro, PA 19508	Seidel Creek/Indian Corn Creek WWF/CWF	Berks County Conservation District 1238 County Welfare Rd. P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201
Bethel Township Berks County	PAG2000603083	Daniel Musselman 1400 Little Mountain Rd. Bethel, PA 19507	Little Swatara Creek CWF	Berks County Conservation District 1238 County Welfare Rd. P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201
Maidencreek Township Berks County	PAR10C348-1	Larken Associates P. O. Box 6989 Hillsborough, NJ 08844	Willow Creek CWF	Berks County Conservation District 1238 County Welfare Rd. P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201
Susquehanna Township Dauphin County	PAG2002203033	Phoenix Development Group 5010 E. Trindle Rd. Suite 203 Mechanicsburg, PA 17050	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
East Hempfield Township Lancaster County	PAG2003603104	SGS Communities Inc. 20 Gibson Place Freehold, NJ 07728	Millers Run CWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601-3149 (717) 299-5361
Mount Joy Borough Lancaster County	PAG2003603122	Franklin B. Zink 22 Shybrook Court Elizabethtown, PA 17022	Chickies Creek WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601-3149 (717) 299-5361

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Pequea Township Lancaster County	PAG2003603123	MSD Custom Homes LLC 2819 Willow Street Pike Willow Street, PA 17584	Goods Run TSF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601-3149 (717) 299-5361
Earl Township Lancaster County	PAG2003603129	Ja-Lyn Developers 148 Brick Church Road Leola, PA 17540	UNT Mill Creek WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601-3149 (717) 299-5361
Sadsbury Township Lancaster County	PAG2003603132	Department of Transportation 2140 Herr Street Harrisburg, PA 17103	UNT Williams Run TSF, MF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601-3149 (717) 299-5361
East Cocalico Township Lancaster County	PAG2003603133	Longleaf Corp. 1 E. Main Street Box 245 Strasburg, PA 17579	Little Muddy Creek WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601-3149 (717) 299-5361
East Manchester Township York County	PAR10Y440-1	Brickyard Partners 150 Farmlane Drive York, PA 17402	Hartman Run WWF	York County Conservation District 118 Pleasant Acres Rd. Suite E York, PA 17402 (717) 840-7430
Springettsbury Township York County	PAG2006703035	Timothy Pasch AMC Theater Site 2745 Carnegie Road York, PA 17402	UNT to Kreutz Creek WWF	York County Conservation District 118 Pleasant Acres Rd. Suite E York, PA 17402 (717) 840-7430
New Freedom Borough York County	PAG2006703117	Cornerstone Development Franklin Center 300 Bailey Drive Stewartstown, PA 17363	South Branch Codorus Creek TSF	York County Conservation District 118 Pleasant Acres Rd. Suite E York, PA 17402 (717) 840-7430
York Township York County	PAG2006703075	York Township 25 Oak Street York, PA 17402	UNT to Mill Creek WWF	York County Conservation District 118 Pleasant Acres Rd. Suite E York, PA 17402 (717) 840-7430
New Freedom Borough York County	PAG2006703115	Robert Holwek Summers Glen LLC 118 Teila Drive Dallastown, PA 17313	UNT to Bee Tree Run CWF	York County Conservation District 118 Pleasant Acres Rd. Suite E York, PA 17402 (717) 840-7430
Erie County Millcreek Township	PAG2002503049	Millcreek Township School District Asbury Playfields 3740 West 26th Street Erie, PA 16506	Unnamed wetlands	Erie County Conservation District (814) 825-6403
Erie County Harborcreek Township	PAG2002503051	Erie Water Works 340 W. Bayfront Parkway Erie, PA 16507	7-Mile Creek CWF-MF	Erie County Conservation District (814) 825-6403

NOTICES

5559

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Erie County Millcreek Township	PAG2002503052	Millcreek School District 4370 W. 26th St. Erie, PA 16506 Asbury Woods Brown Farm Sterrettania Rd. Erie, PA	Tributary to Walnut Creek CWF-MF	Erie County Conservation District (814) 825-6403

Coal Township Northumberland County	PAG02491103002	Department of Environmental Protection Bureau of Abandoned Mine Reclamation David Jansson 2 Public Sq., 5th Floor Wilkes-Barre, PA 18711	Shamokin Creek WWF	Wilkes-Barre BAMR (570) 826-2371
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General Permit Type—PAG-3

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Dunmore Borough Lackawanna County	PAR602207	Apex Waste Services, Inc. 13 Peggy Parkway Dunmore, PA 18512	Unnamed tributary of Lackawanna River from an unnamed drainage ditch	NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511

Hazleton City Luzerne County	PAR602212	M. H. Brenner Recycling, Inc. 282 S. Wyoming Street Hazleton, PA 18201	Municipal storm drains on Buttonwood St. to Hazle Creek	NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
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Carbondale City Lackawanna County	PAR202207	Quality Perforating Inc. 166 Dundaff Street Carbondale, PA 18407	Lackawanna River	NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
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Washington Township Lehigh County	PAR602205	Silliman's Garage & Auto Parts, Inc.	Trout Creek CWF	NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
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General Permit Type—PAG-4

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Adams County Butler Township	PAG043507	John R. Longanecker 10 Windbriar Lane Gettysburg, PA 17304	Opossum Creek TSF	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lycoming County Upper Fairfield Township	PAG044975	Henry G. Thomas 848 Back Street Montoursville, PA 17754	UNT to Kaiser Hollow Run TSF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Lycoming County Loyalsock Township	PAG045060	Roger E. Baker 229 Kimble Hill Road Williamsport, PA 17701	UNT to Millers Run WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Potter Township Centre County	PAG045166	Thomas H. Gilmore 482 Sharer Road Centre Hall, PA 16828	Storm drain to Boal Gap Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Washington Township Erie County	PAG048583	Frank A. and Shirley E. Concob 1501 Lewis Road Waterford, PA 16441-8904	Unnamed tributary to Little Conneauttee Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-5</i>				
<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Upper Chichester Township Delaware County	PAG050045	Samual Coraluzzo Company, Inc. 1713 North Main Road P. O. Box 1360 Vineland, NJ 08362-2452	Baldwin Run 3G	Southeast Region Water Management 555 North Lane Conshohocken, PA 19428

PUBLIC WATER SUPPLY (PWS) PERMITS

The Department of Environmental Protection has taken the following actions on applications received under the Safe Drinking Water Act for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Operations Permit issued to **The Estates at Stone Row Property Owners Association**, 304 Park Avenue, Stroudsburg, PA 18360, PWS ID No. 2450138, Pocono Township, **Monroe County** on October 21, 2003, for the operation of facilities approved under Construction Permit No. 4598505.

Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Operations Permit issued to **United Water Pennsylvania**, 7220015, Susquehanna Township, **Dauphin County** on October 28, 2003, for the operation of facilities approved under Construction Permit No. 2203504 MA.

Operations Permit issued to **Governor Mifflin School District**, 3060347, Brecknock Township, **Berks County** on October 27, 2003, for the operation of facilities approved under Construction Permit No. 0602511.

Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. Minor Amendment. Public Water Supply.

Applicant **New Albany Borough**
 P. O. Box 67
 New Albany, PA 18833

Borough New Albany Borough

County **Bradford**

Type of Facility PWS—Operation of the recently constructed water distribution system.

Consulting Engineer Stiffler, McGraw & Associates
 19 N. Juniata Street
 Hollidaysburg, PA 16648

Permit to Operate Issued October 27, 2003

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a)

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Marion Township	420 Water St. Stouchsburg, PA 19567	Berks

Plan Description: Sewage planning approval was given to the Stonecroft Village subdivision, a 215-lot residential subdivision that proposes to generate a total of 53,165 gallons per day in sewage. The proposed subdivision is on William Penn Blvd. near its intersection with Radcliff Rd., Marion Township, Berks County. The proposed sewer line will connect to the Womelsdorf Borough Sewer Authority Sewage Treatment Plant. It is plan revision DEP No. A3-06943-044-3. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Hereford Township	P. O. Box 225 Hereford, PA 18056	Berks
District Township	202 Weil Rd. Boyetown, PA 19512	Berks

Plan Description: Sewage planning approval was given to the Camp Mensch Mill development (DEP Code Nos. A3-06935-079-2 and A3-06929-055-2) consisting of a church camp/recreation facility to generate a total of 6,450 gallons per day in sewage to be served by a community on-lot drip irrigation system. The proposed subdivision is on Conrad Rd., Hereford and District Townships, Berks County. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Cambridge Township	Cambridge Township 22530 Electric Drive Cambridge Springs, PA 1603	Crawford

Plan Description: The approved plan provides for the abandonment of the Pleasant Hills Sewage Treatment Plant and connection of the Pleasant Hills sewer system to the Borough of Cambridge Springs system. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site where one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected.

For further information concerning a final report, contact the environmental cleanup program manager in the Department regional office after which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

Southeast Region: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

Former Sears Auto Center, North Coventry Township, **Chester County**. David Slide, GHR Consulting Services, Inc., 300 Welsh Rd., Bldg. 3, Horsham, PA 19044, has submitted a Final Report concerning remediation of site soils contaminated with MTBE. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Main Street at Exton, West Whiteland Township, **Chester County**. Kevin J. Davis, P. E., Pennoni Associates, Inc., 3001 Market St., Philadelphia, PA 19104 has submitted a Final Report concerning remediation of site soils contaminated with heavy metals, solvents, BTEX, PHC and PAH; and groundwater contaminated with solvents, BTEX, PHC and PAH. The report is intended to document remediation of the site to meet Site-Specific Standards.

Coastal Service Station (Former Belmont Amoco), Lower Merion Township, **Montgomery County**. Erik Stephens, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of Frank Garthwaite, Belmont Automotive, 726 Belmont Ave., Bala Cynwyd, PA 19004, has submitted a Final Report concerning remediation of site soils contaminated with leaded gasoline, lead, PAH and unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Allegra MicroSystems W. G. Inc. (Formerly), Upper Moreland Township, **Montgomery County**. Richard T. Wroblewski, P. G., Environmental Resources Management, 350 Eagleview Blvd., Suite 200, Exton, PA 19341, on behalf of Bruce Goodman, Goodman Properties, 636 Old York Rd., Jenkintown, PA 19046, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents, fuel oil no. 2, inorganics, MTBE, other organics and PAH. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Norris Square Civic Association Proposed Childcare Center Site, City of Philadelphia, **Philadelphia County**. Patricia DeCarlo, Norris Square Civic Association, 149 W. Norris St., Philadelphia, PA 19122, has submitted a Remedial Investigation/Final Report concerning remediation of site soils contaminated with BTEX and groundwater contaminated with BTEX and PAH. The report is intended to document remediation of the site to meet Site-Specific Standards.

Broad and Washington Property, City of Philadelphia, **Philadelphia County**. William F. Schmidt, P. E., Pennoni Associates, Inc., 3001 Market St., Philadelphia, PA 19104-2897, on behalf of Michael Fluehr, Broad & Washington Corp., 101 S. King St., Gloucester City, NJ 08030, has submitted a Final Report concerning remediation of site soils contaminated with inorganics and PAH; and groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet Site-Specific Standards.

Northeast Regional Field Office, Joseph A. Brogna, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Helen O'Hora Estate, Silver Lake Township, **Susquehanna County**. Kevin Van Kuren, P. G., Hydrocon Services, Inc., 16 East Minor Street, Emmaus, PA 18049 has submitted a Final Report (on behalf of James O'Hora, Case Drive, Vestal, NY 18350) concerning the remediation of soils found or suspected to have been contaminated with home heating oil constituents (no. 2 fuel oil). The report was submitted to demonstrate attainment of the residential Statewide health standard. A Notice of Intent to Remediate was simultaneously submitted.

Former Penn Fuel Gas Manufactured Gas Plant—Slatington Site, Borough of Slatington, **Lehigh County**. RETEC Group, Inc., 3040 William Pitt Way, Pittsburgh, PA 15238 has submitted a Cleanup Plan (on behalf of PFG Gas, Inc., a subsidiary of PPL Gas Utilities

Corporation, Two North Ninth Street, Allentown, PA 18101) concerning the remedy design of the subject site for residual contaminants in soil, groundwater and adjacent surface water found or suspected to have been contaminated with metals, polycyclic aromatic hydrocarbons, phenolics, cyanides and BTEX compounds related to historic manufactured gas plant operations. The report was submitted in partial fulfillment of a combination of both the Statewide Health and the Site-Specific Standards.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Pittsburgh International Airport, Old Terminal—Fuel Distribution System, Moon Township, **Allegheny County**. Brad Cook, CDM, 2740 Smallman Street, Suite 100, Pittsburgh, PA 15222 (on behalf of Thomas Somerville, Allegheny County Department of Aviation, P. O. Box 12370, Pittsburgh, PA 15231-0370) has submitted a Final Report concerning the remediation of site soil contaminated with BTEX and PHCs. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Sterling Packaging Corporation, City of Jeannette, **Westmoreland County**. David R. Perry, American Geosciences, Inc., 3925 Reed Boulevard, Suite 400, Murrysville, PA 15668-1848 (on behalf of Todd D. Brice, S & T Bank, 800 Philadelphia Street, Indiana, PA 15701 and Kenneth B. Schulman, Jeannette Packaging, LLC, 108 Main Street, Norwalk, CT 06851) has submitted Final Reports concerning remediation of the site soil and groundwater contaminated with inorganics and chlorinated solvents. The reports are intended to document remediation of the site to meet the Site-Specific and Statewide Health Standards.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of 25 Pa. Code § 250.8 and the administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a Site-Specific Standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site inves-

tigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office after which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northeast Region: Joseph A. Brogna, Environmental Cleanup Program Manager; 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Former Dalton Shell Station. City of Bethlehem, **Northampton County.** Matthew C. Blanchard, Project Manager, Earth Tech, Inc., 2 Market Plaza Way, Mechanicsburg, PA 17055 submitted a Final Report (on behalf of CRL Holdings, L. P. c/o Apple Hill Business Advisors, Inc., 33 North 2nd Street, Harrisburg, PA 17101) concerning the remediation of soils found or suspected to have been contaminated with naphthalene and other no. 2 fuel oil constituents. The report demonstrated attainment of the Residential Statewide Health Standard and was approved on October 17, 2003.

Department of Transportation, Pike County Maintenance Facility, Milford Borough, **Pike County.** Eric B. Schmidley, P. G., Apex Environmental, Inc., 269 Great Valley Parkway, Malvern, PA 19355 submitted a Final Report (on behalf of Department of Transportation, 2140 Herr Street, Harrisburg, PA 17103-1900) concerning the remediation of soils found to be contaminated by arsenic. The report demonstrated attainment of the Statewide Health Standard and was approved on October 16, 2003.

PPL—Providence Substation (Theodore Street and North Lincoln Avenue), City of Scranton, **Lackawanna County.** PPL Electric Utilities, 2 North Ninth Street, Allentown, PA 18101 submitted a Final Report concerning the remediation of site soils found or suspected to be contaminated with PCBs. The report demonstrated attainment of the Statewide Health Standard and was approved on October 14, 2003.

PPL—Peckville Substation (N. Main Street), Archbald Borough, **Lackawanna County.** PPL Electric Utilities, 2 North Ninth Street, Allentown, PA 18101 submitted a Final Report concerning the remediation of site soils found or suspected to be contaminated with

PCBs. The report demonstrated attainment of the Statewide Health Standard and was approved on October 14, 2003.

Northcentral Region: Environmental Cleanup Program Manager; 208 West Third Street, Williamsport, PA 17701.

Scientific Systems, Inc.—Carolean Drive Property, College Township, **Centre County.** Blazosky Associates, Inc., on behalf of Scientific Systems, Inc., 349 North Science Park Road, State College, PA 16803, has submitted a Remedial Investigation Report, Risk Assessment Report and Cleanup Plan concerning soil and groundwater contaminated with chlorinated solvents. This submission was made in partial fulfillment of the Site-Specific Standard. These reports were approved by the Department on October 20, 2003.

Southwest Region: Environmental Cleanup Program Manager; 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Westinghouse Facility Lot 1C, Borough of Trafford, **Allegheny and Westmoreland Counties.** William C. Smith, Cummings/Riter Consultants, Inc., 333 Haymaker Road, Parkway Building, Suite 201, Monroeville, PA 15146 (on behalf of Viacom, Inc., 11 Stanwix Street, Pittsburgh, PA 15222) has submitted a Cleanup Plan concerning the remediation of site soil contaminated with PCBs, lead, heavy metals, pesticides, solvents, BTEX, PAHs and cyanide. The Cleanup Plan was approved by the Department on October 15, 2003.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a hazardous waste treatment, processing, storage, or disposal facility

Southwest Regional Office, Regional Solid Waste Manager; 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

Permit No. PAD004344222. Tecumseh Redevelopment, Inc. Riders disposal area closure and post-closure care of a hazardous waste landfill and land treatment area in East Taylor Township and Johnstown, **Cambria County.** Permit modified to reflect the new ownership of this site in the Regional Office on October 23, 2003.

RESIDUAL WASTE GENERAL PERMITS

Permits Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and residual waste regulations for a general permit to operate residual waste processing facilities and the beneficial use of residual waste other than coal ash.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit No. WMGR040A. Safety Kleen Systems, Inc., 600 Stewart Road, Wilkes-Barre, PA 18706-1453. General Permit No. WMGR040A authorizes processing prior to beneficial use of waste oil (including waste oil mixed with hazardous waste regulated under 40 CFR 261.5 incorporated by reference in 25 Pa. Code § 261a.1 and modified in 25 Pa. Code § 261a.5), spent antifreeze and waste oil/water mixtures. The approved

processing is limited to the transfer of waste oil, waste oil/water mixtures and spent antifreeze generated from motor vehicles to rail cars for transport (rail transloading). Safety Kleen Systems, Inc., which has been authorized to operate under General Permit No. WMGR040 at one other location since October 1, 1999, provided notice of their intent to operate at this new location. Safety Kleen Systems, Inc. was authorized by the Central Office on October 24, 2003, to operate under General Permit No. WMGR040 at the Wilkes-Barre location.

Persons interested in reviewing the general permit may contact Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit terminated under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit ID No. 602708. Top Septic Tank Service, Inc., 1608 Pleasant Valley Road, Mt. Pleasant, PA 15666. Solid waste permit for the operation of an agricultural utilization sewage sludge facility in Bullsken Township, **Fayette County**, terminated on October 27, 2003. This site is now authorized to operate under General Permit PAG096107, Authorization No. 508861.

Permit issued under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and regulations to operate solid waste processing or disposal area or site

Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Permit No. 100361. McKean County Landfill, 19 Ness Lane, Kane, PA 16735, Sergeant Township, **McKean County**. Application to implement the Radiation Protection Plan. The permit was issued by the Northwest Regional Office on October 22, 2003.

MUNICIPAL AND RESIDUAL WASTE TRANSPORTER AUTHORIZATION

Issued applications for Municipal and Residual Waste Transporter Interim Authorization received under the Waste Transportation Safety Act (27 Pa.C.S. §§ 6201—6209) and regulations to transport municipal or residual waste

Central Office: Bureau of Land Recycling and Waste Management, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472.

Georges Trucking Inc., 403 West End Ave., Elizabeth, NJ 07202. Authorization No. WH5387. Effective October 20, 2003.

James S. Snyder, 637 Strawberry Ridge Road, Danville, PA 17821. Authorization No. WH5401. Effective October 20, 2003.

Lock Cuff Inc., 1088 Lockcuff Road, Williamsport, PA 17701. Authorization No. WH5404. Effective October 20, 2003.

Johnny Gonzalez, 1325 Boston Road, Bronx, NY 10457. Authorization No. WH5405. Effective October 20, 2003.

Durham Transport Service, Inc., P. O. Box 668, 551A Springfield St., Coopersburg, PA 18036-2204. Authorization No. WH5406. Effective October 20, 2003.

Sunnybrook Construction, R. R. 2 Box 2248C, Saylorsburg, PA 18353. Authorization No. WH5413. Effective October 20, 2003.

Coventry Property Services, 3369 Schuylkill Road, Spring City, PA 19475. Authorization No. WH5414. Effective October 20, 2003.

Donald E. Hillegas, 574 Dowell St., Johnstown, PA 15906. Authorization No. WH5415. Effective October 20, 2003.

K & R Transport, 223 Third St., Ridgefield Park, NJ 07660. Authorization No. WH5416. Effective October 20, 2003.

TWK Construction Co., Inc., P. O. Box 187, Wind Gap, PA 18091. Authorization No. WH5417. Effective October 20, 2003.

FAC Express, 361 Fairwood Road, Bethany, CT 06524. Authorization No. WH5419. Effective October 20, 2003.

Brian Stevens, 39-41 Waterbury Road, Prospect, CT 06712. Authorization No. WH5420. Effective October 20, 2003.

Prices Moving & Storage Inc., 231 West Ridge Pike, Limerick, PA 19468. Authorization No. WH5421. Effective October 20, 2003.

Marvel Builders, 102 Pigeon Creek Road, Pottstown, PA 19465. Authorization No. WH5422. Effective October 20, 2003.

Diesel Transport Inc., 4320 Dark Shade Drive, Windber, PA 15963. Authorization No. WH5423. Effective October 20, 2003.

Derr's Hauling, P. O. Box 622, New Kingston, PA 17072. Authorization No. WH5424. Effective October 20, 2003.

Carlos R. Castillo, 750 Jericho Road, Philadelphia, PA 19124. Authorization No. WH5426. Effective October 20, 2003.

Thaddious Whyte, 2307 Tatnall St., Wilmington, DE 19802. Authorization No. WH5427. Effective October 20, 2003.

George J. Russ, 420 Cuba St., Meyersdale, PA 15552-1441. Authorization No. WH5429. Effective October 20, 2003.

Edson Amado, 411 East 54th St., Elmwood Park, NJ 07407. Authorization No. WH5430. Effective October 20, 2003.

Damiet Menendez, Building 8-133, 100 Parsippany Blvd., Parsippany, NJ 07054. Authorization No. WH5431. Effective October 20, 2003.

John V. Colonna, 77 Devens St., Staten Island, NY 10314. Authorization No. WH5432. Effective October 20, 2003.

R & S General Contractors, LLC, R. R. 7, Box 7351A, Saylorsburg, PA 18353. Authorization No. WH4503. Effective October 22, 2003.

William Lawrence Excavating, R. R. 1 Box 150A, Montrose, PA 18801. Authorization No. WH5462. Effective October 22, 2003.

A F N Landscapes, 126 Station Road, Glen Mills, PA 19342. Authorization No. WH5418. Effective October 23, 2003.

Pleasant Construction Inc., 9309 James St., Philadelphia, PA 19114. Authorization No. WH5433. Effective October 23, 2003.

Frantz Lithographic Service Inc., 1505 Ford Road, Bensalem, PA 19020. Authorization No. WH5435. Effective October 23, 2003.

Lester E. Walls, 5341 Race Track Road, Saint Thomas, PA 17252-9531. Authorization No. WH5436. Effective October 23, 2003.

Whiteford & Son Inc., 909 Tracey Dr., P. O. Box 831, Northern Cambria, PA 15714-0831. Authorization No. WH5439. Effective October 23, 2003.

Dean Martin Enterprises, R. R. 1 Box 311, New Stanton, PA 15672. Authorization No. WH5440. Effective October 23, 2003.

Petrunak & Company Inc., 1504 Hillside Ave., Windber, PA 15963. Authorization No. WH5441. Effective October 23, 2003.

Donald L. Thompson, 304 Brotherton Road, Friedens, PA 15541. Authorization No. WH5442. Effective October 23, 2003.

Leckey Enterprises, 440 Donruth Lane, Johnstown, PA 15909. Authorization No. WH5443. Effective October 23, 2003.

J. R. Debastos Enterprises Inc., 4300A Long Beach Blvd., Brant Beach, NJ 08008. Authorization No. WH5444. Effective October 23, 2003.

Duffy Excavation & Trucking Inc., P. O. Box 137, Glenolden, PA 19036. Authorization No. WH5445. Effective October 23, 2003.

Samuel D. Bryant, Jr., 78 Tidewater Lane, Willingboro, NJ 08046. Authorization No. WH5446. Effective October 23, 2003.

Keystone Building Products Inc., P. O. Box 423, Route 522 South, Selinsgrove, PA 17870-0423. Authorization No. WH5449. Effective October 23, 2003.

Whitmer Fuels Inc., Sixth and Church St., P. O. Box 469, Sunbury, PA 17801. Authorization No. WH5451. Effective October 23, 2003.

Ruble Enterprises Inc., 107 Brown St., Elkton, MD 21921. Authorization No. WH5452. Effective October 23, 2003.

Ramon Malave, 136 Sayre St., Elizabeth, NJ 07208. Authorization No. WH5453. Effective October 23, 2003.

Global Waste Industries Inc., P. O. Box 340, Al-lamuchy, NJ 07820. Authorization No. WH5454. Effective October 23, 2003.

Voluntarily terminated applications for Municipal and Residual Waste Transporter Interim Authorization received under the Waste Transportation Safety Act and regulations to transport municipal or residual waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472.

Jose Silva, 8026 Craig Street, 2nd Floor, Philadelphia, PA 19136. Authorization No. WH1359. Voluntarily terminated October 2, 2003.

DTX, Inc., 60 East Main Street, Leola, PA 17540-0546. Authorization No. WH0868. Voluntarily terminated October 6, 2003.

Milton J. Teats, P. O. Box 48, Grassflat, PA 16839. Authorization No. WH0929. Voluntarily terminated October 9, 2003.

Empire Environmental Corp., P. O. Box M, Clinton, PA 15026-1532. Authorization No. WH0443. Voluntarily terminated October 13, 2003.

Empire Environmental Corp., P. O. Box M, Clinton, PA 15026-1532. Authorization No. WH0444. Voluntarily terminated October 13, 2003.

Edward Johnston Trucking, R. R. 2, Box 259, Punxsutawney, PA 15676. Authorization No. WH0668. Voluntarily terminated October 14, 2003.

Justus Transport, Inc., 199 Hoyt Street, Kearny, NJ 07032-3312. Authorization No. WH1334. Voluntarily terminated October 14, 2003.

Verolini Disposal, 1387 Kushequa Avenue, Kane, PA 16735-4949. Authorization No. WH1303. Voluntarily terminated October 15, 2003.

Chip Adams Sewer & Drain Cleaning, 117 Hedge Road, Bloomsburg, PA 17815-7626. Authorization No. WH1318. Voluntarily terminated October 17, 2003.

Morgan Transportation, Route 31, P. O. Box 292, Acme, PA 15610. Authorization No. WH5125. Voluntarily terminated October 17, 2003.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Edward Brown, Facilities Permitting Chief, (610) 832-6242.

46-310-058GP: Glasgow, Inc. (Route 309 and Hartman Road, Montgomeryville, PA 18936) on October 23, 2003, for a portable nonmetallic plant in Montgomery Township, **Montgomery County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: Mark Wayner, Facilities Permitting Chief, (412) 442-4174.

32-00338: Fairman Corp. (R. D. 1 Helvetia Road, P. O. Box 288, DuBois, PA 15801) on October 23, 2003, to operate caterpillar engine and C. E. Natco De-Hy Unit at Himes Compressor Station in North Mahoning Township, **Indiana County**.

Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Thomas McGinley, New Source Review Chief, (610) 832-6242.

15-0103A: Christiana Cabinetry (504 Rosemont Avenue, Atglen, PA 19310) on October 23, 2003, to operate seven paint booths in Atglen Borough, **Chester County**.

09-0156: Jolly Gardener Products, Inc. (500 East Pumping Station, Quakertown, PA 18951) on October 27, 2003, to operate two diesel engines and wood processing equipment in Richland Township, **Bucks County**.

23-0030A: Swarthmore College (500 College Avenue, Swarthmore, PA 19081) on October 27, 2003, to operate three new boilers in Swarthmore Borough, **Delaware County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.

01-05016D: ISP Minerals, Inc. (P. O. Box O, Blue Ridge Summit, PA 17214-0914) on October 23, 2003, to install a new 250-ton per hour bucket elevator controlled by a fabric filter at their Charmian facility in Hamiltonban Township, **Adams County**. This source is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

07-05029A: Chicago Rivet and Machine Co. (Industrial Park, Tyrone, PA 16686) on October 24, 2003, to construct a new airless/airtight degreasing machine controlled by a drying condenser with an associated refrigeration unit at their Tyrone Plant in Tyrone Borough, **Blair County**.

21-05047: Naval Support Activity (5450 Carlisle Pike, Mechanicsburg, PA 17055) on October 23, 2003, to construct two emergency generators and a spray paint booth in Hampden Township, **Cumberland County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: William Charlton, New Source Review Chief, (412) 442-4174.

63-00896B: UMC Energy, Inc. (981 Route 917, Bentleyville, PA 15314) on October 23, 2003, to construct a mine mouth coal processing facility with a 1-mile long, 42-inch wide overland conveyor.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Devendra Verma, New Source Review Chief, (814) 332-6940.

25-919A: Vitco (802 Walnut Street P. O. Box 279, Waterford, PA 16441) on October 16, 2003, for construction of two spray booths for application of porcelain enamel on inside of ductile iron pipe in Waterford Borough, **Erie County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Thomas McGinley, New Source Review Chief, (610) 832-6242.

09-0007A: Waste Management Disposal Service of PA Inc. (1513 Bordenstown Rd., Morrisville, PA 19067) on October 23, 2003, to operate a solid waste landfill expansion in Falls Township, **Bucks County**.

15-0115B: QVC Inc. (1200 Wilson Drive, West Chester, PA 19380) on October 22, 2003, to operate three emergency generators in West Goshen Township, **Chester County**.

09-0024A: Waste Management of PA (200 Bordenstown Road, Tullytown, PA 19007) on October 23, 2003, to operate a permitted landfill in Tullytown Borough, **Bucks County**.

09-0063A: New Hope Crushed Stone (6970 Phillips Mill Rd., New Hope, PA 18938) on October 22, 2003, to operate a stone crushing plant in Solebury Township, **Bucks County**.

09-0125A: Naceville Materials (5031 Point Pleasant Pike, Doylestown, PA 18901) on October 22, 2003, to operate a crushing plant in Plumstead Township, **Bucks County**.

09-0105A: Naceville Materials (483 Springfield Street, Coopersburg, PA 19474) on October 22, 2003, to operate an asphalt batch plant in Springfield Township, **Bucks County**.

09-0110A: Riverside Construction Materials, Inc. (7900 N. Radcliff St., Bristol, PA 19007) on October 23, 2003, to operate a cement handling system and silo in Bristol Township, **Bucks County**.

09-0143: Naceville Materials (2001 Ridge Rd., Sellersville, PA 18960) on October 23, 2003, to operate of a primary crusher and conveyors in West Rock Hill Township, **Bucks County**.

09-0048A: H and K Materials—Division of Haines & Kibblehouse (300 Skunk Hollow Road, Chalfont, PA 18914) on October 24, 2003, to operate a batch asphalt plant in Hilltown Township, **Bucks County**.

46-0069B: Highway Materials, Inc. (5000 Joshua Rd., Plymouth Meeting, PA 19462) on October 27, 2003, to operate a dryer burner in Whitmarsh Township, **Montgomery County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.

22-05046A: Haines and Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19474-0196) to construct a fabric filter at their Handwerk Materials asphalt plant in Lower Swatara Township, **Dauphin County**. The facility is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. This plan approval has been extended.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: David Aldenderfer, Program Manager, (570) 327-3637.

12-399-015C: GE Transportation Systems (55 Pine Street, Emporium, PA 15834) on October 10, 2003, to operate an armature coating operation on a temporary basis, until February 7, 2004, in Emporium Borough, **Cameron County**. The plan approval has been extended.

14-313-042: Rutgers Organics Corp. (201 Struble Road, State College, PA 16801) on October 17, 2003, to operate a chemical process facility (ROC-8) on a temporary basis, until February 14, 2004, in College Township, **Centre County**. The plan approval has been extended.

41-0008A: Koppers Industries, Inc. (P. O. Box 189, Montgomery, PA 17752) on October 17, 2003, to extend the plan approval, to operate a wood-fired boiler fuel feeding system and associated air cleaning device (a fabric collector) on a temporary basis, until February 14, 2004, in Clinton Township, **Lycoming County**. The plan approval has been extended.

53-0009D: National Fuel Gas Supply Corp. (P. O. Box 2081, Erie, PA 16512) on October 17, 2003, to operate

a 4,445-horsepower natural gas-fired reciprocating internal combustion compressor engine (engine 1A) on a temporary basis, until February 14, 2004, at the Ellisburg Compressor Station in Allegany Township, **Potter County**. The plan approval has been extended.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: William Charlton, New Source Review Chief, (412) 442-4174.

32-00291A: Senate Coal Mines, Inc. (One Energy Place, Suite 5100, Latrobe, PA 15650) on October 21, 2003, for completion of construction of a coal processing plant. This plan approval was extended.

26-00545A: HBC Barge, LLC (1800 Paul Thomas Blvd., Brownsville, PA 15417) on October 16, 2003, to allow the review of modification of spray application technology and coatings submitted to the Department for Brownsville Facility in Brownsville Borough, **Fayette County**. This plan approval was extended.

11-00356A: Dominion Peoples Natural Gas Company (625 Liberty Avenue, Pittsburgh, PA 15222) on October 19, 2003, for Glycol Dehydration System/Gas Fired Heater at Rager Mt./Laurel Ridge Station in Jackson Township, **Cambria County**. This plan approval was extended.

Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

36-05072: Mount Joy Wire Corp. (1000 East Main Street, Mount Joy, PA 17552) on October 21, 2003, to operate a steel wire manufacturing facility in Mount Joy Borough, **Lancaster County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.

24-00016: Keystone Powdered Metal Co. (251 State Street, St. Marys, PA 15857) on October 20, 2003, a Title V Permit renewal to operate a fabricated metal products facility in the City of St. Marys, **Elk County**.

24-00131: SGL Carbon Corp. (900 Theresia Street, P. O. Box 1030, St. Marys, PA 15857) on October 15, 2003, a Title V Operating Permit renewal at their St. Marys Plant in St. Marys Borough, **Elk County**. The permit is being reissued for a new 5-year term. The permit was also amended to incorporate conditions from Plan Approval Nos. PA-24-131D, PA-24-131F and PA-24-131G.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

06-05097: Berks Products Corp. (P. O. Box 421, Reading, PA 19603) on October 22, 2003, to operate their stone crushing plant at their existing facility in Ontelaunee Township, **Berks County**.

21-03024: Hershey Foods, Inc. (101 Commerce Drive, Mechanicsburg, PA 17050) on October 23, 2003, to operate a warehousing facility with fumigation chambers in Silver Spring Township, **Cumberland County**.

22-03057: Dayton Parts LLC (1300 N. Cameron Street, Harrisburg, PA 17103) on October 23, 2003, to operate a steel spring manufacturing facility in the City of Harrisburg, **Dauphin County**.

28-05033: The Appalachian Mill Collection, Inc. (1427 Church Hill Road, Mercersburg, PA 17236) on October 16, 2003, to operate their spray booth in Mercersburg Borough, **Franklin County**.

36-03073: Prospect Concrete (P. O. Box 278, Landisville, PA 17538) on October 21, 2003, to operate their batch concrete plant in West Hempfield Township, **Lancaster County**.

36-05022A: Bird-In-Hand Woodworks, Inc. (3031 Industry Drive, Lancaster, PA 17063) on October 21, 2003, to operate their wood furniture surface coating facility in East Hempfield Township, **Lancaster County**.

36-05069: Fenner, Inc. (311 West Stiegel Street, Manheim, PA 17545) on October 21, 2003, to operate their manufacturing facility in the Borough of Manheim, **Lancaster County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.

33-00010: Humphrey Charcoal Corp. (R. D. 1, Brookville, PA 15825) on October 22, 2003, for a Natural Minor Permit to operate their charcoal manufacturing plant in Pine Creek Township, **Jefferson County**.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: David Aldenderfer, Program Manager, (570) 327-3637.

41-00026: Alcan Products, Corp. (409 Reighard Avenue, Williamsport, PA 17701) on October 6, 2003, to operate a nonferrous wire drawing and insulating plant which includes polyethylene conveying, blending and extruding operations, 45 combustion units, 2 grinding operations and 4 process heaters formerly owned and operated by Alcan Aluminum Corporation in Williamsport, **Lycoming County**.

18-00006: Dominion Transmission Inc. (625 Liberty Avenue, Pittsburgh, PA 15222) on September 29, 2003, issued a revised Title V operating permit to incorporate the terms and conditions for the operation of screw-in prechambers on six natural gas fired reciprocating engines at the Leidy station to control NOx emissions from these engines in Leidy Township, **Clinton County**. This revision also incorporated a revision to RACT for a number of combustion sources at the facility. This Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: Mark Wayner, Facilities Permitting Chief, (412) 442-4174.

65-00016: Timken Latrobe Steel (2626 Ligonier St., Latrobe, PA 15650) on October 20, 2003, the Title V Operating Permit was administratively amended to

change the responsible official, revise the nomenclature of several sources, remove antiquated control devices and stacks and duplicate sources, edit source groupings, eliminate inapplicable conditions from certain sources, clarify visible emission monitoring requirements and correct typographical errors. This facility is in the Borough of Latrobe, **Westmoreland County**. This is a Title V facility.

63-00014: Orion Power MidWest, LP—Elrama Power Plant (2000 Cliff Mine Road, Suite 200, Pittsburgh, PA 15275) on October 27, 2003, for operation of four coal-fired boilers in Union Township, **Washington County**. This is a significant modification to the Title V operating permit and a renewal of the Title IV (Acid Rain) operating permit.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.

42-00061: Dresser Inc.—Dresser Piping Specialties (41 Fisher Avenue, Bradford, PA 16701) on October 20, 2003, an administrative amendment to the Natural Minor operating permit incorporating changes authorized by Plan Approval 42-0061A in the City of Bradford, **McKean County**.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Edward Brown, Facilities Permitting Chief, (610) 832-6242.

46-00005: Merck and Co., Inc. (770 Sumneytown Pike, West Point, PA 19486-0004) for its facility in Upper Gwynedd Township, **Montgomery County**. The facility is primary for research and development and pharmaceutical preparations. The major facility emissions are VOCs. The following is a summary of the approved de minimis emission increases for the Title V facility for 2003:

Bldg. 46	HAP—less than 0.01 ton per year
Bldg. 46	VOC—0.1 ton per year
Bldg. 44E	VOC—0.01 ton per year
Bldg. 44E	VOC—0.9 ton per year
Bldg. 44E	NOx—0.64 ton per year
Bldg. 17	VOC—0.1 ton per year
Bldg. 60A	VOC—0.4 ton per year
Bldg. 60A	NOx—0.07 ton per year
Bldg. 60A	VOC—0.02 ton per year
Total increases this year:	VOC—0.36 ton per year NOx—0.71 ton per year HAP—less than 0.01 per year
Total increases this permit:	VOC—0.36 ton per year NOx—0.71 ton per year HAP—less than 0.01 per year

The permit, when reissued, will include the de minimis increases and include monitoring, recordkeeping and reporting requirements designed to keep the facility within all applicable air quality requirements.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permit Actions

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.

54871303R3. D & D Coal Company (139 E. Independence Street, Shamokin, PA 17972), renewal of an anthracite underground mine operation in Cass Township, **Schuylkill County** affecting 2.8 acres, receiving stream: none. Application received April 17, 2003. Renewal issued October 22, 2003.

54930101T. Daniel J. Joy (121 New Philadelphia Road, Kaska, PA 17959), transfer of an existing anthracite surface mine operation in Branch Township, **Schuylkill County** affecting 102.8 acres, receiving stream: Schaefer Creek. Application received June 10, 2003. Transfer issued October 23, 2003.

California District Mining Office: 25 Technology Drive, California Technology Park, Coal Center, PA 15423, (724) 769-1100.

11981701. NPDES Permit No. PA0215139, Eastern Associated Coal Corp. (P. O. Box 1233, Charleston, WV 25324), to renew the permit for the Colver Treatment Facility in Blacklick Township, **Cambria County** and related NPDES permit, no additional discharges. Permit issued October 20, 2003.

Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669, (814) 797-1191.

33970102 and NPDES Permit No. PA0227382. Waroquier Coal Company (P. O. Box 128, Clearfield, PA 16830). Renewal of an existing bituminous strip operation in Washington Township, **Jefferson County** affecting 52.0 acres. This renewal is issued for reclamation only. Receiving streams: unnamed tributaries to Kyle Run and Kyle Run. Application received September 4, 2003. Permit issued October 21, 2003.

Noncoal Permit Actions

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.

39880301A1C6 and NPDES Permit No. PA0594199. Eastern Industries, Inc. (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034-9454), renewal of NPDES Permit for discharge of treated mine drainage in North Whitehall Township, **Lehigh County**, receiving

stream: Coplay Creek. Application received September 4, 2003. Renewal issued October 20, 2003.

58030815. Bruce C. Stanley (R. R. 1 Box 1260, Friendsville, PA 18818), commencement, operation and restoration of a quarry operation in Rush Township, **Susquehanna County** affecting 3.0 acres, receiving stream: none. Application received May 15, 2003. Permit issued October 23, 2003.

01930302C6 and NPDES Permit No. PA0223239. ISP Minerals, Inc. (1455 Old Waynesboro Road, Blue Ridge Summit, PA 17214), correction to an existing quarry operation and NPDES Permit for discharge of treated mine drainage in Hamiltonban Township, **Adams County** affecting 313.2 acres, receiving stream: unnamed tributary to Tom's Creek. Application received July 11, 2003. Correction issued October 23, 2003.

06970302C2 and NPDES Permit No. PA0223794. Haines & Kibblehouse, Inc. (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit in Robeson and Union Townships, **Berks County**, receiving stream: Hay Creek. Application received September 8, 2003. Renewal issued October 23, 2003.

Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669, (814) 797-1191.

43990801. Sylvan Resources, LLC (2880C SR 18, Adamsville, PA 16110). Transfer of an existing small noncoal sand and gravel operation from Penn-Sylvan International, Inc. in Hempfield Township, **Mercer County** affecting 2.0 acres. Receiving streams: none. Application received May 19, 2003. Permit issued October 22, 2003.

Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209, (814) 342-8200.

53970302. Ayers Excavating, R. R. 1, Box 256A, Austin, PA 16720. Final bond release for a small noncoal mining operation in Summit Township, **Potter County**. Restoration of 1 acre completed. Application for final bond release received July 10, 2003. Final bond release approved: October 24, 2003.

18020802. Big Woods Land Company, P. O. Box 400, McElhattan, PA 17748. Commencement, operation and restoration of a small industrial minerals (rock and clay) permit in Wayne Township, **Clinton County** affecting 1 acre. Receiving streams: unnamed tributary, tributary to the Susquehanna River. Application received April 26, 2002. Permit issued October 21, 2003.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (73 P. S. §§ 151—161) and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.

56034002. Shade Landfill, Inc., R. D. 1, 1176, Cairnbrook, PA 15924. Blasting activity permit issued for expansion for landfill cell. Project in Shade Township, **Somerset County**. Expected duration of blasting is 365 days. Permit issued October 16, 2003.

Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982, (724) 925-5500.

26034004. Penn Development Services, LP (P. O. Box 110, Uniontown, PA 15401). Blasting activity permit issued for construction at South Union Township, **Fayette County**, with an expected duration of 180 days. Permit issued October 21, 2003.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and

of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 P. S. §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

E35-359. Lackawanna County, 200 Adams Avenue, Scranton, PA 18503. Archbald Borough, **Lackawanna County**, Army Corps of Engineers Baltimore District.

To remove the existing structure and to construct and maintain a 44-foot wide single-span concrete box-beam bridge, having a span of 70 feet and an underclearance of 12 feet across the Lackawanna River and to construct and maintain three stormwater outfalls penetrating through the concrete wingwalls within the floodway of the Lackawanna River. The project is on Gilmartin Street at its intersection with the Lackawanna River (HQ-CWF) (Olyphant, PA Quadrangle N: 22.4 inches; W: 5.5 inches) (Subbasin 05A).

E52-181. Department of Transportation, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501. Shohola Township, **Pike County**, Army Corps of Engineers Philadelphia District.

To remove the existing structure and to construct and maintain the Commonwealth portion of a six-span prestressed concrete I-beam bridge across the Delaware River (WWF, MF). The structure will have clear, normal spans of approximately 126 feet each, a maximum underclearance of approximately 50 feet and a width of 52 feet. The project includes an 18-inch stormwater outfall along the right bank, immediately upstream of the bridge. The project also includes 0.03 acre of temporary impact to an EV POW/PEM wetland for an access road, approximately 0.28 acre of permanent impact to the Delaware River for piers and 0.51 acre of temporary impact to the Delaware River for causeways. The project is along SR 0434, Section 470, between Shohola Township, Pike County and the Village of Barryville, Sullivan County, NY, approximately 1,000 feet upstream of the confluence of Shohola Creek and the Delaware River (Shohola, PA-NY Quadrangle N: 18.3 inches; W: 5.2 inches) (Subbasin 01D).

E45-446. Tobyhanna Township, HC 89, Box 289, Pocono Pines, PA 18350. Tobyhanna Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To place fill in 0.13 acre of PSS wetlands within the Tobyhanna Creek watershed for the purpose of construct-

ing the Mackes Street Extension Project. The permittee is required to provide for 0.13 acre of replacement wetlands by participating in the Pennsylvania Wetland Replacement Project. The project is 0.3 mile northwest of the intersection of SR 0115 and SR 0940 (Blakeslee, PA Quadrangle N: 17.0 inches; W: 13.5 inches) in Tobyhanna Township, Monroe County (Subbasin 2A).

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

E06-579: Department of Transportation, District 5-0, 1713 Lehigh Street, Allentown, PA 18103 in Hamburg Borough and Windsor Township, **Berks County**, ACOE Philadelphia District.

To: (1) rehabilitate and maintain the bridge over the Schuylkill River (WWF) on SR 0078 Section 17M and to relocate, regrade and maintain an unnamed tributary to Schuylkill River having an overall length of 840 feet; and (2) construct and maintain a 60-inch diameter culvert and several 18-inch diameter culverts by General Permit No. 7, all for the purpose of improving SR 0078. The improvement starts from the bridge and extends to about 3 miles towards the east (Hamburg, PA Quadrangle N: 11.0 inches; W: 15.9 inches, N: 12.9 inches; W: 15.6 inches, N: 14.0 inches; W: 13.5 inches, respectively) in Hamburg Borough and Windsor Township, Berks County.

E36-760: Earl Township, 517 N. Railroad Avenue, New Holland, PA 17557 in Earl Township, **Lancaster County**, ACOE Baltimore District.

To remove two existing 30-inch by 42-inch corrugated metal pipe arches and to construct and maintain a 12-foot by 3.5-foot precast concrete box culvert carrying Grist Mill Road (T-600) over a UNT to the Conestoga River (WWF) at a point approximately 1,800 feet west of SR 322 (Terre Hill, PA Quadrangle N: 2.0 inches; W: 15.0 inches) in Earl Township, Lancaster County.

E36-762: Earl G. Martin, 250 Royer Road, Ephrata, PA 17522 in Manheim Borough, **Lancaster County**, ACOE Baltimore District.

To construct and maintain a stream crossing consisting of a 20-foot long 48-inch diameter RCP with associated fill and a 25-foot long by 20-foot wide by 8-inch thick concrete slab/deck within Meadow Run (WWF) at a point approximately 850 feet north of the Royer Road Bridge (Ephrata, PA Quadrangle N: 9.0 inches; W: 13.2 inches) in Ephrata Township, Lancaster County.

E22-463: Hershey Entertainment and Resorts Company, 100 West Hersheypark Drive, Hershey, PA 17033 in Derry Township, **Dauphin County**, ACOE Baltimore District.

To install and maintain 23 36-inch diameter columns/piers, to remove the north and south pedestrian bridges and to remove existing asphalt pavement, all within the floodway of Spring Creek (WWF) for the purpose of constructing a new attraction at Hersheypark, west of Park Avenue and just south of the existing Sidewinder ride (Hershey, PA Quadrangle N: 7.1 inches; W: 4.0 inches) in Derry Township, Dauphin County.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

E14-440. Department of Transportation, 1924-30 Daisy Street, Clearfield, PA 16830. US Route 220, Section G10 Stream Mitigation in Worth Township, Taylor Township and the Borough of Port Matilda, **Centre County**, ACOE Baltimore District (Port Matilda, PA Quadrangle N: 8.6 inches; W: 7.5 inches).

To construct and maintain 22,069 linear feet of stream restoration/enhancement within Bald Eagle Creek (north) (12,381 linear feet), Bell Hollow Run (800 linear feet), Reese Hollow Run (3,759 linear feet) and Williams Hollow Run (4,069 linear feet) using a natural stream channel design approach including the installation of in-stream structures (5 rock vanes, 6 cross vanes, 20 J-hooks, 2 flow deflector vanes, 2 imbricated stone banks, 28 boulders, 15 areas of stone toe protection, 16 streambank soil lift areas and 1 root wad area), channel relocation, stream and floodway excavation and filling, 8 stone channel crossings, 8 hog slat channel crossings, 20,601 linear feet of stream bank fencing and riparian plantings. The project is being constructed to provide mitigation for stream impacts associated with the U. S. Route 220 (I-99) project, construction sections C10, A11, C11, A12, B12 and C12. Mitigation is being performed in accordance with the procedures and environmental commitments of the U. S. Route 220 Natural Resource Compensation Plan and as required by DEP Permits E14-420 (C10), E14-402 (A11), E14-367 (C11), E14-403 (A12), E14-349 (B12) and E14-371 (C12).

Stream restoration/enhancement activities will be performed on four reaches of Bald Eagle Creek: Reach 1 (Beckwith and Bell Hollow Run Site: begin lat. 40° 46' 02" long. 78° 05' 51" end lat. 40° 46' 26" long. 78° 05' 14"); Reach 2 (Liner Site: begin lat. 40° 46' 31" long. 78° 05' 12" end lat. 40° 46' 49" long. 78° 04' 48"); Reach 3 (Port Matilda Borough Site: begin lat. 40° 47' 40" long. 78° 03' 29" end lat. 40° 47' 56" long. 78° 03' 00"); Reach 4 (Valley Homes Site: begin lat. 40° 48' 58" long. 78° 01' 56" end lat. 40° 49' 02" long. 78° 01' 49"), tributaries to Bald Eagle Creek (Reese Hollow No. 1: begin lat. 40° 47' 59" long. 78° 05' 49" end lat. 40° 47' 46" long. 78° 05' 37", Reese Hollow No. 2: begin lat. 40° 47' 33" long. 78° 05' 20" end lat. 40° 47' 24" long. 78° 04' 58" and Williams Hollow: begin lat. 40° 50' 03" long. 78° 02' 00" end lat. 40° 49' 29" long. 78° 01' 12").

The stream mitigation project will impact 1.16 acres of riparian palustrine emergent wetlands. Wetland impacts are associated with placement of fill, streambank grading and construction of at-grade crossings for the purpose of limiting stream access points for property owners and livestock. The stream improvements will involve minor grading within the floodplain of the northern Bald Eagle Creek and its tributaries. The grading will involve 15,794 cubic yards of excavation (cut) and 11,728 cubic yards of fill in the floodplain, which corresponds to the construction activities resulting in a net excavation of 4,066 cubic yards for the project. The project improvements will provide opportunity for wetlands to reestablish along the stream floodplains.

E18-367. Gary L. Leitch, 110 Mann Avenue, Mill Hall, PA 17751-1112. Gentzel-Leitch River Lot in Woodward Township, **Clinton County**, ACOE Baltimore District (Lock Haven, PA Quadrangle N: 6.25 inches; W: 13.25 inches).

To construct and maintain: (1) an 8-foot by 12-foot wooden shed that has two 4-inch by 4-inch skids and will be tethered to a nearby tree with three 3/16-inch cables; and (2) an 18-foot by 24-foot open sided pole pavilion and its associated concrete pad in the left 100-year floodway of the West Branch Susquehanna River on Lot No. 1 of the Conklin Subdivision that is immediately upstream of the Eden Lane and Water Valley Road intersection in Woodward Township, Clinton County. This permit was issued under section 105.13(e) "Small Projects."

E19-237. L. Lorraine and Paul Sevinson, 246 Ringtown Mountain Road, Catawissa, PA 17820. Bridge removal—culvert construction in Locust Township, **Columbia County**, ACOE Baltimore District (Catawissa, PA Quadrangle N: 1.81 inches; W: 1.10 inches).

To remove the existing deteriorated wooden bridge which is approximately 30 feet long and 10 feet wide and has a waterway opening of approximately 100 square feet and to construct and maintain an arch culvert 9.25 feet by 6.5 feet by 20 feet long in Lick Run (HQ-CWF) in a private driveway off Ringtown Mountain Road (SR 2010) approximately 1.1 miles east of Numidia in Locust Township, Columbia County. Approximately 0.1 acre of earth will be disturbed. The project will not impact wetlands while impacting approximately 30 feet of waterway. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E55-192. Scott B. Dutrow, R. R. 1, Box 11, Beaver Springs, PA 17812-0011. Water Obstruction and Encroachment Permit in Spring Township, **Snyder County**, ACOE Susquehanna River Basin District (Beaver-A, PA Quadrangle N: 1.1 inches; W: 11.5 inches).

To construct and maintain a 35-foot long by 6-foot wide wooden bridge over Beaver Creek. The project is along the eastern right-of-way, 1.0 mile north on SR 0235 in Spring Township, Snyder County. This permit was issued under section 105.13(e) "Small Projects."

E55-194. Kline Reality, Inc., P. O. Box 337, Middleburg, PA 17842-0337. Water Obstruction and Encroachment Permit in Franklin Township, **Snyder County**, ACOE Susquehanna River Basin District (Middleburg, PA Quadrangle N: 5.31 inches; W: 13.78 inches).

To remove sand from the streambed in an unnamed tributary to Middle Creek, where the limits of work are not to exceed 385 feet. The project is along the northern right-of-way of Paxtonville Road, 2.0 miles west of the intersection of SR 0104 and Paxtonville Road. This project proposes to have a minimal impact on 385 linear feet in an unnamed tributary to Middle Creek (CWF). The removal of the sand is being performed under a Consent Order and Agreement with Beavertown Block Company, Inc. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

SPECIAL NOTICES

BUREAU OF DEEP MINE SAFETY REQUEST FOR VARIANCE

The Department of Environmental Protection (Department), Bureau of Deep Mine Safety (Bureau), has received a request for variance from Rosebud Mining Company. The following notification contains a summary of this request. A complete copy of the variance request may be obtained from Allison Gaida, (724) 439-7469 or from the Bureau website at www.dep.state.pa.us/dep/deputate/minres/dms/dms.htm.

The Department is publishing a summary of the request to solicit comments from affected parties on the proposed variance request. Comments may be used by the Bureau to assist in its investigation of the variance request. Comments will be accepted for 30 days following the publication of this notice. Comments should be addressed to Joseph A. Scaffoni, Director, Bureau of Deep Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401.

Section 702 of the Pennsylvania Bituminous Coal Mine Act (act) provides a mechanism for operators to obtain variances from specific requirements of the act to accommodate the adoption of new machinery, equipment, tools, supplies, methods or processes.

Section 290(d) of the act states that every gassy mine shall have at least four main entries, two of which shall lead from the main opening and two from the second opening into the body of the mine.

Summary of the Request: Rosebud Mining Company requests a variance to reduce the number of main entries in the 1 Southeast Section at the Dutch Run Mine.

[Pa.B. Doc. No. 03-2151. Filed for public inspection November 7, 2003, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are on the Department of Environmental Protection's (Department) website (www.dep.state.pa.us) at the Public Participation Center page. The "Current Inventory" heading is the Governor's list of the Department's nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various Department bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view guidance documents. When this option is not available, persons can order a bound paper copy of the latest inventory or an unbound paper copy of any of the final documents listed on the inventory by calling the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Draft Technical Guidance

DEP ID: 383-2125-001. Title: Proposals to Add or Remove Fluoridation Treatment by a Community Water System. Description: The purpose of this guidance is to clarify existing regulatory requirements regarding the addition or removal of water fluoridation treatment. This guidance applies to community water systems and will be used by Department staff to direct and support the implementation of related required activities. Comment Period Ends: December 8, 2003. Contact: Jeff Gordon, (717) 772-4018, jegordon@state.pa.us.

Draft Technical Guidance—Substantive Revision

DEP ID: 258-2182-773. Title: Clean Fill Policy. Description: This policy replaces the Department's "Policy and Procedure Establishing Criteria for Use of Uncontaminated Soils, Rock, Stone, Unused Brick and Block, Con-

crete and Used Asphalt as Clean Fill" which became effective February 29, 1996. This document is designed to assist Department staff in determining whether material should be managed as clean fill or regulated fill.

Background

In 1996, guidelines for the management of clean fill were established by Departmental policy in technical guidance document no. 258-2182-773. Subsequent revisions were proposed to the policy in March 2000, which were advertised for public comment and review. During the public comment period on the policy revisions, several commentators recommended, and the Department concurred, that the Department regulate fill by regulation, rather than by policy. Additional recommendations were also received during the public comment period on the revised policy, which were considered and incorporated by the Department into a newly proposed safe fill regulatory package, which was published at 32 Pa.B. 564 (February 2, 2002) with a 60-day public comment period that concluded on April 3, 2002. Additional detail on the earlier history is available at 32 Pa.B. 564 and 565.

In response to comments received during the public comment period on the proposed regulatory package for safe fill, as well as the Department's review of other related information, the Department prepared a draft final rulemaking for public comment. To solicit comments on this draft final rulemaking, the Department published an Advance Notice of Final Rulemaking (ANFR) at 33 Pa.B. 2880 (June 21, 2003). A 45-day public comment period, which concluded on August 5, 2003, was provided for the ANFR. Comments received on the ANFR included comments that the proposed standards, as they had evolved over several years, were too complicated and difficult to implement. In response, the Department decided to request that the Environmental Quality Board withdraw the rulemaking. In addition, the Department has developed a new clean fill policy (policy) and is requesting public comment on the policy through this notice.

Substantive Revisions

The new, simplified policy specifically defines what materials are acceptable as uncontaminated clean fill, removes restrictions on the use of those materials and eliminates the complicated standards for chemical constituents used to define clean fill in the past. Under the policy, fill is contaminated if it has been subject to any release of regulated substances. If fill material is determined not to be contaminated based on due diligence, unrestricted movement of the fill is allowed under this policy.

This proposed policy also introduces a new classification of fill as "regulated fill," which will be available for beneficial use under a proposed General Permit for Use of Regulated Fill as a construction material (see 33 Pa.B. 5573 (November 8, 2003)). The general permit lists acceptable chemical concentration levels for regulated fill and allows the material to be used as a construction material to grade areas, control runoff and limit water infiltration. The general permit also sets standards for use of regulated in a residential setting under the Commonwealth's Residential Statewide Health Standards and the use of regulated fill in industrial settings under the Nonresidential Statewide Health Standards. The

Department will accept comments on the General Permit for Use of Regulated Fill, published at 33 Pa.B. 5573 (November 8, 2003). Comments on the general permit must be provided to the Department by January 9, 2004.

Written Comments

Interested persons may submit written comments on the draft substantive revisions to technical guidance document no. 258-2182-773 by January 9, 2004. Comments submitted by facsimile will not be accepted; however, the Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission.

Written comments may be submitted to Khatija Satyaswaroop, Bureau of Land Recycling and Waste Management, Division of Municipal and Residual Waste, 14th Floor, Rachel Carson State Office Building, P. O. Box 8471, Harrisburg, PA 17105-8471, ksatyaswar@state.pa.us.

During the public comment period for technical guidance document no. 258-2182-773, the Department will continue to enforce the 1996 Clean Fill Policy, along with the February 2, 2002, proposed safe fill numeric standards, on a case-by-case basis.

Availability of the Proposals

Copies of draft technical guidance document no. 258-2182-773, as well as the General Permit for Use of Regulated Fill, are available by contacting Khatija Satyaswaroop. The proposals are also available on the Department website at www.dep.state.pa.us (DEP Keyword: Participate; scroll down to "Proposals Open for Comment").

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 03-2152. Filed for public inspection November 7, 2003, 9:00 a.m.]

Laboratory Accreditation Advisory Committee and Certification Program Advisory Committee Joint Meeting

The Laboratory Accreditation Advisory Committee meeting scheduled for Friday, December 5, 2003, at 10 a.m. has been changed to a joint meeting with the Certification Program Advisory Committee on the same date. The location of the meeting has also been changed to the Susquehanna Conference Rooms A and B, South Central Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. The purpose of the meeting is to discuss possible concepts for the qualifications of a laboratory supervisor, accreditation-by-rule parameters and a fee structure for potential inclusion in the environmental laboratory accreditation regulations.

Questions concerning this meeting should be directed to Richard Sheibley, (717) 705-2425, rsheibley@state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at www.dep.state.pa.us.

Persons with a disability who require accommodations to attend this meeting should contact the Department at (717) 705-2425 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 03-2153. Filed for public inspection November 7, 2003, 9:00 a.m.]

Proposed General Permit WMGR096 to Beneficially Use Residual Waste

The Department of Environmental Protection (Department) proposes to authorize, under General Permit WMGR096, the beneficial use of regulated fill as construction material for the following activities: to bring an area to grade; to control runoff; and to limit infiltration. "Regulated fill" is contaminated soil, contaminated dredged material, contaminated used asphalt, historic fill and contaminated brick, block or concrete from construction and demolition activities that is separate from other waste and recognizable as such. The proposed general permit includes maximum concentration limits, sampling and analysis requirements, siting limitations, deed notice requirements, recordkeeping requirements and provisions for ecological protection. This will be a Statewide residual waste general permit.

The Department is authorized under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and 25 Pa. Code § 287.611 (relating to authorization for general permit) to issue general permits for any category of beneficial use or processing that results in beneficial use of residual and municipal waste on a Statewide basis when the Department determines that the use does not harm or present a threat of harm to the health, safety or welfare of the public or the environment and the activity can be adequately regulated using standard conditions. The Department has determined that regulated fill as construction material can be adequately regulated using standard conditions. The proposed general permit does not apply to clean fill as defined in draft technical guidance for clean fill, DEP ID No. 258-2182-773 (33 Pa.B. 5572 (November 8, 2003)).

Persons requesting approval to operate under the terms of the general permit will be required to register with the Department's Bureau of Land Recycling and Waste Management, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472. The following minimum information will be required to obtain the registration:

- a. Name and street address of the registrant.
- b. Name of the generator of the regulated fill and locations of the regulated fill generating sites.
- c. Name, location, area and ownership of the location of beneficial use.
- d. Documentation that the regulated fill meets the conditions of the general permit and that the beneficial use activities will be consistent with the permit.
- e. A signed and notarized statement by the registrant that the registrant accepts all the terms and condition included in the general permit.
- f. Proof that the applicant has legal right to enter the land and perform the activities in the general permit and

an irrevocable written consent from the landowner giving the Department permission to enter upon land where the applicant will be conducting waste management activities.

g. Information that identifies the applicant (that is, individual, corporation, partnership, government agency, association, and the like), including the names and addresses of every officer that has a beneficial interest in or otherwise controls the operation of the company.

h. A list of all previous permits or licenses issued to the applicant or any related parties by the Department or Federal government under the environmental protection acts and compliance history concerning those acts.

i. Proof that any independent contractors retained by the applicant to perform activities authorized under this permit are in compliance with State and Federal laws and regulations relating to environmental protection.

j. A \$250 registration application fee as specified in the residual waste management regulations payable to the "Commonwealth of Pennsylvania."

Comments concerning the proposed general permit application should be directed to William F. Pounds, Chief, Division of Municipal and Residual Waste, 14th Floor, RCSOB, Bureau of Land Recycling and Waste Management, 400 Market Street, Harrisburg, PA 17105-8472, (717) 787-7381, wpounds@state.pa.us or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD). Comments must be submitted in writing and contain the name, address and telephone number of the person commenting and a concise statement of comments, objections or suggestions on this proposal. Comments submitted by facsimile will not be accepted. Public comments must be submitted on the proposed general permit application by January 9, 2004, and may recommend additional conditions or revisions to or approval or denial of the proposed general permit.

Persons interested in obtaining more information or copies of the proposed general permit may contact the Division of Municipal and Residual Waste at the previous phone number or through the AT&T Relay Service. The proposal is also available on the Department's website at <http://www.dep.state.pa.us> (DEP Keyword: Participate; scroll down to "Proposals Open for Comment").

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 03-2154. Filed for public inspection November 7, 2003, 9:00 a.m.]

Proposed State Implementation Plan Revision; Vehicle Emissions Inspection/Maintenance Program; Changes for the Philadelphia and Pittsburgh Regions; Public Hearings

The Commonwealth currently has in place an enhanced vehicle inspection and maintenance (I/M) tailpipe emissions testing program (program) for on-road light-duty cars and trucks in Bucks, Chester, Delaware, Montgomery and Philadelphia Counties (Philadelphia region) and Allegheny, Beaver, Washington and Westmoreland Counties (Pittsburgh region). This testing is required by the Federal Clean Air Act (CAA). Under the CAA, states, including the Commonwealth, required to implement I/M programs are further required to incorporate a check of

the on-board diagnostic (OBD) system for model year (MY) 1996 and newer vehicles as part of the program.

These public hearings concern a proposed revision to the Commonwealth's State Implementation Plan (SIP) to incorporate OBD testing for MY 1996 and newer light duty cars and trucks into the existing I/M program in the Philadelphia and Pittsburgh regions. The proposed revision will add provisions to provide the Commonwealth with the ability, under specific circumstances, to institute biennial tailpipe testing and ultimately to phase out tailpipe testing in the Philadelphia and Pittsburgh regions.

This proposed SIP revision is available on the Department of Environmental Protection's (Department) website at www.dep.state.pa.us (DEP Keyword: Clean Air Plans) or through the following contact person.

The Department will hold two public hearings to receive comments on the SIP revision.

- December 10, 2003, at 1 p.m. at the Southeast Regional Office, Hearing Room, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA.

- December 10, 2003, at 1 p.m. at the Southwest Regional Office, Waterfront Rooms A and B, 500 Waterfront Drive, Pittsburgh, PA.

Persons wishing to present testimony at a hearing should reserve a time by contacting Susan Ferree, P. O. Box 8468, Harrisburg, PA 17105, (717) 787-9495, sferree@state.pa.us. Individuals who do not reserve a time will be able to testify after pre-registrants. Witnesses should keep testimony to 10 minutes and should provide two written copies of their testimony at the hearing. Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Susan Ferree. TDD users may contact the AT&T Relay Service at (800) 654-5984 to discuss how the Department can accommodate their needs.

Written comments should be sent by the close of business on December 12, 2003, to Brian Trowbridge, Division of Air Resource Management, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 03-2155. Filed for public inspection November 7, 2003, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Eagleville Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Eagleville Hospital has requested an exception to the requirements of 28 Pa. Code § 107.25(b)(8) (relating to medical staff executive committee).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons, V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

[Pa.B. Doc. No. 03-2156. Filed for public inspection November 7, 2003, 9:00 a.m.]

Application of Jennersville Regional Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Jennersville Regional Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards in the *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 7.7.C14 (relating to Phase II recovery). The facility is also requesting exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons, V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

[Pa.B. Doc. No. 03-2157. Filed for public inspection November 7, 2003, 9:00 a.m.]

Application of Keystone Kidney Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives

notice that Keystone Kidney Center has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards in the *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 9.5.D1n (relating to covered entrance in the administration and public area).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons, V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

[Pa.B. Doc. No. 03-2158. Filed for public inspection November 7, 2003, 9:00 a.m.]

Application of Montrose General Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Montrose General Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards in the *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 7.9.C7, 7.9.D3, 7.9.D9, 7.9.D21, 7.9.D22, 7.9.D24, 7.9.D25, Table 7.5.O2, 7.9.C2, 7.9.D3 and 7.9.D7.

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and

require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons, V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

[Pa.B. Doc. No. 03-2159. Filed for public inspection November 7, 2003, 9:00 a.m.]

Application of North Shore Endoscopy Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that North Shore Endoscopy Center has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons, V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

[Pa.B. Doc. No. 03-2160. Filed for public inspection November 7, 2003, 9:00 a.m.]

Application of Philadelphia Spinal Care Institute for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Philadelphia Spinal Care Institute has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards in the *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 9.5.C, 9.5.D1, 9.5.D3, 9.5.E, 9.5.E1, 9.5.E2, 9.5.F2(c) and (e), 9.5.F5(f) and (p), 9.5.H1(a), 9.5.H2(a)(3) and

(b)(3). The facility is also requesting exception to the requirements of 28 Pa. Code § 571.2(d)(e) (relating to modifications to HHS requirements).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons, V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

[Pa.B. Doc. No. 03-2161. Filed for public inspection November 7, 2003, 9:00 a.m.]

Application of Reading Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Reading Surgery Center has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards in the *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 9.5.F2(1)(d) (relating to ambulatory operating room size requirements).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation

to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons, V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

[Pa.B. Doc. No. 03-2162. Filed for public inspection November 7, 2003, 9:00 a.m.]

Application of St. Luke's Hospital, St. Luke's Miners Memorial and St. Luke's Quakertown for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that St. Luke's Hospital, St. Luke's Miners Memorial and St. Luke's Quakertown has requested an exception to the requirements of 28 Pa. Code § 107.62 (relating to oral orders).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons, V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

[Pa.B. Doc. No. 03-2163. Filed for public inspection November 7, 2003, 9:00 a.m.]

Application of Select Specialty Hospital @ Graduate Hospital in Philadelphia for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Select Specialty Hospital @ Graduate Hospital in Philadelphia has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards in the *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 7.2.A.5 (relating to patient access to toilet room).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of

Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons, V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

[Pa.B. Doc. No. 03-2164. Filed for public inspection November 7, 2003, 9:00 a.m.]

Application of Warren General Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Warren General Hospital has requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons, V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

[Pa.B. Doc. No. 03-2165. Filed for public inspection November 7, 2003, 9:00 a.m.]

Application of Westmoreland Health System for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Westmoreland Health System has requested

an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards in the *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.6b7 and 7.2a2 (relating to two separate social spaces; and patient room size).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons, V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

[Pa.B. Doc. No. 03-2166. Filed for public inspection November 7, 2003, 9:00 a.m.]

Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.3 (relating to definitions):

Phoebe Slate Belt Nursing and Rehabilitation Center
701 Slate Belt Boulevard
Bangor, PA 18013

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.36(h) (relating to bathing facilities):

Village Vista Manor
1941 Benmar Drive
Lancaster, PA 17603

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax: (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who wish to comment in an alternative format (for example, large print, audiotape Braille) should contact the Division of Nursing Care Facilities at the address previously listed or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

[Pa.B. Doc. No. 03-2167. Filed for public inspection November 7, 2003, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding

Bradford County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Secretary of Transportation makes the following written finding:

The Department of Transportation (Department) plans to replace the existing truss bridge carrying State Route 1022 over the North Branch of the Susquehanna River, Bradford County. As part of the project, the Department has proposed replacing the Ulster Bridge, which is eligible for the National Register of Historic Places.

Information describing the project together with the associated environmental analysis is contained in the Environmental Documentation Evaluation/Section 2002 Evaluation that was prepared for this project.

The Categorical Exclusion Evaluation/Programmatic Section 2002 Evaluation satisfies all State environmental evaluation requirements as published in section 2002 of Pennsylvania Act 120.

Based upon studies, there is no prudent and feasible alternative to the use of this National Register eligible resource. The effect of this project on the Ulster Bridge will be mitigated by measures outlined in the memorandum of agreement, which include:

1. The Department shall prepare a revised Phase I and Phase II archaeological report. The report shall be submitted to the Federal Highway Administration (FHWA) and the State Historic Preservation Officer (SHPO) for comment.

2. Within 3 months of acceptance of the final archaeological report by the FHWA and the SHPO, the Department shall submit all field notes, maps and records to the State Museum for permanent curation. Artifacts from Site 36Br39 will be returned to the property owner per their request. Prior to returning the artifacts, the Department shall follow the Pennsylvania Historical and Museum Commission's April 2002 curation guidelines and provide additional documentation on these artifacts.

3. The Department shall ensure that protective fencing is installed along the edge of the Area of Potential Effect.

4. The Department, in consultation with the SHPO, shall ensure that an interpretive wayside marker is fabricated and erected adjacent to the bridge that details the history of the bridge.

5. The Department will investigate the reuse and interpretation of the existing bridge plaques. If duplicate plaques exist, one will be offered to the Bradford County Historical Society.

6. The Department will prepare select large format 8" x 10" black and white reproductions of the existing photographs contained in previously completed PHRS documentation. Archival quality copies of all photographs will be provided to the SHPO and the Bradford County Historical Society.

The Secretary has considered the environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 and has concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize the effect.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 03-2168. Filed for public inspection November 7, 2003, 9:00 a.m.]

GAME COMMISSION

Environmental Assessment

The Game Commission (Commission) currently owns property associated with State Game Land (SGL) 176 located in Patton Township, Centre County. The Pennsylvania State University has requested a land exchange involving a 947.9 acre tract of SGL 176 for the exchange of suitable lands as yet to be determined based on the appraised value of this SGL parcel. The majority of the land requested for exchange is currently utilized by The Pennsylvania State University as research land and for an ongoing wastewater effluent spray field disposal project. The land exchange was approved unanimously by the Commission at the October 8, 2002, board meeting.

An Environmental Assessment has been prepared regarding this action and is available for review at the Commission headquarters, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797. Copies will be provided upon request for a fee by contacting Gary Camus, Chief, Division of Federal Aid and Public Access, (717) 787-6400. Comments will be accepted until December 8, 2003.

VERNON R. ROSS,
Executive Director

[Pa.B. Doc. No. 03-2169. Filed for public inspection November 7, 2003, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, October 23, 2003, and announced the following:

Regulations Deemed Approved under section 5(g) of the Regulatory Review Act—Effective October 22, 2003

Pennsylvania Public Utility Commission #57-227: Electric and Gas Utility Record Retention (amends 52 Pa. Code §§ 57.45 and 59.45)

Regulations Approved

Pennsylvania Public Utility Commission #57-224: Generic Competitive Safeguards (adds 52 Pa. Code Chapter 63, Subchapter K)

Department of Agriculture #2-137: Food Code (adds Pa. Code Chapter 46 and deletes 7 Pa. Code Chapters 31, 35, 41, 43, 45, 47, 49, 53, 55, 61, 63, 78, 79, 80 and 81)

State Board of Podiatry #16A-446: Continuing Education (amends 49 Pa. Code Chapter 29)

Approval Order

Public Meeting held
October 23, 2003

Commissioners Voting: John R. McGinley, Jr., Esq., Chairperson, by phone; Alvin C. Bush, Vice Chairperson by phone; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

Pennsylvania Public Utility Commission—Generic Competitive Safeguards; Regulation No. 57-224

On April 8, 2002, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking adds 52 Pa. Code Chapter 63, Subchapter K. The proposed regulation was published in the April 20, 2002, *Pennsylvania Bulletin* with a 45-day public comment period. The final-form regulation was submitted to the Commission on June 23, 2003. On July 22, 2003, the PUC withdrew the final-form regulation. On September 19, 2003, the PUC resubmitted the final-form regulation.

The final-form regulation establishes a Code of Conduct applicable to incumbent local exchange carriers (ILECs) and competitive local exchange carriers (CLECs). The regulation is intended to prevent discriminatory access to an ILEC's services and facilities; unlawful cross-subsidization of competitive services from noncompetitive services by ILECs; and unfair competition among ILECs and CLECs.

We have determined this regulation is consistent with the statutory authority of the PUC (66 Pa.C.S. § 3005(b)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
October 23, 2003

Commissioners Voting: John R. McGinley, Jr., Esq., Chairperson, by phone; Alvin C. Bush, Vice Chairperson by phone; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

Department of Agriculture—Food Code; Regulation No. 2-137

On February 8, 2002, the Independent Regulatory Review Commission (Commission) received this proposed

regulation from the Department of Agriculture (Department). This rulemaking is revising 7 Pa. Code by adding Chapter 46 and deleting Chapters 31, 35, 41, 43, 45, 47, 49, 53, 55, 61, 63, 78, 79, 80 and 81. The proposed regulation was published in the February 23, 2002, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 17, 2003.

This regulation deletes a number of existing chapters and establishes a new comprehensive food code for this Commonwealth. The rulemaking sets food safety standards and procedures for food establishments and public drinking and eating places. It applies to restaurants, grocery stores and any enterprise that processes, prepares and packages food for public consumption. The primary purpose for this rulemaking is to reduce foodborne illness, while bringing Pennsylvania regulations into conformity with National food standards.

We have determined this regulation is consistent with the statutory authority of the Department (31 P. S. § 20.13(a), 35 P. S. § 655.6(a) and 71 P. S. § 445(d)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
October 23, 2003

Commissioners Voting: John R. McGinley, Jr., Esq., Chairperson, by phone; Alvin C. Bush, Vice Chairperson by phone; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

State Board of Podiatry—Continuing Education; Regulation No. 16A-446

On November 7, 2002, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Podiatry (Board). This rulemaking amends 49 Pa. Code Chapter 29. The pro-

posed regulation was published in the November 23, 2002, *Pennsylvania Bulletin* with a 30-day public comment period. Under section 5(e) of the Regulatory Review Act (71 P. S. § 745.5(e)), the Department resubmitted the proposed regulation on January 29, 2003. The final-form regulation was submitted to the Commission on September 16, 2003.

This regulation establishes the Council on Podiatric Medical Education as a preapproved continuing education course provider. It also adds two fees, revises continuing education requirements, authorizes disciplinary action and allows for waivers of continuing education requirements for serious illness or hardship.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. §§ 42.9 and 42.15) and the intention of the General Assembly. Having considered all the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 03-2170. Filed for public inspection November 7, 2003, 9:00 a.m.]

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the Committee comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
7-387	Environmental Quality Board Radiological Health (33 Pa.B. 4393 (August 30, 2003))	9/29/03	10/29/03
6-279	State Board of Education Pupil Attendance (33 Pa.B. 4300 (August 30, 2003))	9/29/03	10/29/03
6-287	State Board of Education Special Education Services and Programs (33 Pa.B. 4306 (August 30, 2003))	9/29/03	10/29/03

Environmental Quality Board Regulation No. 7-387

Radiological Health

October 29, 2003

We submit for consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The Environmental Quality Board must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on September 29, 2003. If the final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

Section 215.24. Human use.—Reasonableness; Consistency with other regulations; Clarity.

Subsection (b) states:

Only auxiliary personnel who have met the applicable radiologic requirements of 49 Pa. Code, Part I, *Subpart A* (relating to professional and occupational affairs) may use radiation sources in the healing arts when employed by a licensed practitioner of the healing arts. . . ." (Emphasis added.)

Subpart A of 49 Pa. Code contains over 30 chapters for various professions, including accountancy, landscape architecture, physical therapy and veterinary medicine. The existing definition of a "licensed practitioner of the healing arts" in 25 Pa. Code § 215.2 covers only six professional areas: "medicine, surgery, dentistry, osteopathy, podiatry and chiropractic." Rather than refer the reader to Subpart A in its entirety, § 215.24(b) should reference the specific chapters that set forth the procedures and requirements for auxiliary personnel.

State Board of Education Regulation No. 6-279

Pupil Attendance

October 29, 2003

We submit for consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The State Board of Education (Board) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on September 29, 2003. If the final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

1. Section 11.1. School term.—Clarity.

This section refers to "meritorious educational programs." The Board should define this term in the final-form regulation.

2. Section 11.2. School day.—Clarity.

The existing text of this section refers to "instructional activities." Clarity would be improved by defining this term in the final-form regulation.

3. Section 11.5. Part-time attendance for potential graduates.—Clarity.

This section addresses student attendance at a "postsecondary institution." Clarity would be improved by defining this term.

4. Section 11.11. Entitlement of resident children to attend public schools.—Reasonableness; Clarity.

Subsection (b) refers to "any other documentation specifically required by law." Based on our discussion with the Board, this phrase is intended to reference information requirements contained in 24 P. S. § 13-1302(2). Section 13-1302(2) of 24 P. S. addresses nonresident children living with a district resident and states, in part, "The school board, pursuant to guidelines issued by the Department of Education, may require other reasonable information to be submitted by the resident to substantiate the sworn statement."

The Department of Education (Department) has established guidelines for "other reasonable information" in the Basic Education Circular (BEC) entitled "Education of Children Residing With an Adult Other Than Natural Parent." The BEC specifically lists supplemental information that is required to establish residency in a school district.

There are two issues. First, how is this BEC relevant to § 11.11? The BEC addresses nonresident children, but § 11.11 pertains to resident children. Section 11.19 of the proposed regulation addresses nonresident children. Since it appears that the BEC and 24 P. S. § 13-1302(2) would apply to § 11.19 and not § 11.11, this language should be deleted from § 11.11 in the final-form regulation.

Second, if the Board can explain why nonresident children should be addressed in this section, we recommend that subsection (b) be revised by deleting "any other documentation specifically required by law" and inserting the supplemental information listed in the BEC.

5. Section 11.19. Nonresident child living with a district resident.—Reasonableness; Clarity.

The last sentence of this section states "The school board may require other reasonable information to be submitted by the resident to substantiate the sworn statement in accordance with the guidelines established by the Department of Education." The Board has explained that "other reasonable information" refers to the information requirements contained in the BEC entitled "Education of Children Residing With an Adult Other Than Natural Parent." Consistent with our recommendation in Issue 4 regarding § 11.11, the Board should delete the last sentence and replace it with the list of information requirements in the BEC.

Also, while this section establishes the entitlement for certain nonresident children living with district residents to attend the district's public schools, it contains no timeframe for enrollment. Section 11.11 contains a time frame for enrollment. Why isn't the same time frame included in § 11.19?

6. Section 11.25. Temporary excusals due to illness or other urgent reasons.—Clarity.

Subsection (b) states, in part, "Department of Education approval is required to extend the provision of homebound instruction and shall be reevaluated every 3 months." The final-form regulation should clarify that the school district, not the parent or guardian, is responsible for seeking Department approval to extend the provision of homebound instruction.

7. Section 11.27. Graduation.—Clarity.

Paragraph (4) states "School districts, AVTSs and charter schools may include in their average daily membership count students with disabilities identified under Chapter 14 (relating to special education services and

programs) who choose to participate in graduation ceremonies with their graduating class and continue to receive education services but are not awarded a diploma." The Pennsylvania School Boards Association (PSBA) believes this language suggests that a student with disabilities has an entitlement to participate in graduation ceremonies.

The Board has informed us that this provision was not intended to deny the school districts discretion to determine when students with disabilities may participate in graduation ceremonies. Rather, the school districts will retain the option to permit students with disabilities to participate in graduation ceremonies. We suggest that the final-form regulation be amended to reflect the fact that the choice to allow students with disabilities to participate in graduation ceremonies rests with the school district, not the parent or the student.

8. Section 11.28. Out-of-school programs and part-time employment.—Clarity.

Subsection (a) states that students engaged part-time in an "out-of-school program" shall be counted for reimbursement purposes. The final-form regulation should either define "out-of-school program" or provide examples of these programs in this section.

9. Section 11.31. Students not enrolled in public schools due to private tutoring.—Clarity.

The existing text of subsection (b) states that superintendents may "require evidence deemed necessary to demonstrate that the student is making satisfactory progress." Under what circumstances would additional evidence be required? What type of evidence would be required?

10. Section 11.31a. Students not enrolled in public schools due to participation in a home education program.—Clarity.

In its comments, PSBA suggests that this section be amended to include a reference to section 1327(d) of the Public School Code of 1949 to recognize the needs of students who are eligible for special education services. We agree and suggest the Board add this reference.

11. Miscellaneous clarity issues.

- The title of Chapter 11 is "pupil attendance," but in the body of the regulation, all references to "pupil" are being changed to "student." In the final-form regulation, the title of the chapter should be changed to "student attendance."

- In § 11.12, the language "occurs first" is being changed to "should first occur." The same language change is proposed in § 11.13 and a similar language change is proposed in § 11.24 ("occurs" is being changed to "should occur"). The existing language in each of these sections is clearer than the proposed revisions. The Board should retain the original language.

State Board of Education Regulation No. 6-287

Special Education Services and Programs

October 29, 2003

We submit for consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The State Board of Education (Board) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed

on September 29, 2003. If the final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

General.—Reasonableness and need.

This proposed regulation removes the provision which allows a local education agency to begin due process proceedings when a parent objects to initial special education services. The Board is making this change so § 14.62(c) will be consistent with requirements of the Federal Department of Education's Office of Special Education Programs (OSEP). The House Education Committee and the Pennsylvania School Boards Association request that the Board formally challenge OSEP's interpretation before promulgating this rulemaking. The Board has stated that challenging OSEP's interpretation is not a viable option.

To justify its position, the Board has provided us with correspondence that includes: an e-mail requesting the Board change its regulations to conform with OSEP's interpretation; another e-mail conditioning further funding on the Board's revision of this regulation per OSEP's interpretation; and OSEP's approval of the Board's amendment. This correspondence is important in establishing the necessity of this rulemaking, as well as validating its position not to challenge OSEP's interpretation. Therefore, the Board should include the substance of the previously mentioned directives in the preamble to the final-form regulation.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 03-2171. Filed for public inspection November 7, 2003, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations on the dates indicated. To obtain the date and time of the meeting at which the Commission will consider these regulations, contact the Commission at (717) 783-5417 or visit its website at www.irrc.state.pa.us. To obtain a copy of a regulation, contact the promulgating agency.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
10-165	Department of Health Hearing Aid Sales and Registration	10/22/03
16A-4811	State Board of Funeral Directors Renewal Fee	10/28/03
16A-5714	State Board of Veterinary Medicine Continuing Education Provider Approval	10/28/03
16A-417	State Architects Licensure Board Firm Practice	10/28/03

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 03-2172. Filed for public inspection November 7, 2003, 9:00 a.m.]

INSURANCE DEPARTMENT

Paul G. Bergman; Hearing

License Denial; Doc. No. AG03-10-030

The proceeding in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure). A prehearing telephone conference initiated by this office is scheduled for November 24, 2003, at 1:30 p.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before November 4, 2003. A hearing shall occur on December 9, 2003, at 1:30 p.m. in the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before December 1, 2003, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before December 5, 2003.

Persons with a disability who wish to attend the administrative hearing and require an auxiliary aid, service or other accommodations to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-2173. Filed for public inspection November 7, 2003, 9:00 a.m.]

GE Life and Annuity Assurance Company; Request for Authority to Increase Rates for Individual Standardized Medicare Supplement Plans; Rate Filing

GE Life and Annuity Assurance Company has filed for approval to increase rates for its individual standardized Medicare supplement plans A—D, H and J. The filing requests an average increase of 14.4%, varying by standardized plan. The rate increases will impact about 7,014 policyholders in this Commonwealth and produce additional annual Commonwealth premium income of approximately \$1.5 million. The requested effective date of the increase is March 1, 2004.

The proposed rate increase percentages by plan for all ages and areas are as follows:

Form	Plan	Percentage
MSP-1992A and HMSPA96	A	8%
MSP-1992B and HMSPB96	B	25%
MSP-1992C and HMSPC96	C	20%
HMSPD96	D	7%

Form	Plan	Percentage
MSP-1992H and HMSPH96	H	25%
MSP-1992J and HMSPJ96	J	25%

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Michael Gurgiolo, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120 within 30 days of the publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-2174. Filed for public inspection November 7, 2003, 9:00 a.m.]

Insurance Services Office, Inc.; Homeowners Loss Cost Level Revision; Rate Filing

On October 27, 2003, the Insurance Department (Department) received from Insurance Services Office, Inc. a filing for a proposed loss cost level change for homeowners insurance.

The advisory organization requests an overall 8.3% increase in loss cost effective May 1, 2004.

Unless formal administrative action is taken prior to December 26, 2003, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Department's regional offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, xlu@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-2175. Filed for public inspection November 7, 2003, 9:00 a.m.]

Preferred Professional Insurance Company; Physicians and Surgeons Liability Rate Filing

On October 27, 2003, the Insurance Department (Department) received from the Preferred Professional Insurance Company (PPIC) a filing for a rate level change in physicians and surgeons liability rates.

PPIC requests a 40% across-the-board increase in base rates effective January 1, 2004.

Unless formal administrative action is taken prior to December 11, 2003, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Department's regional offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Ken Creighton, ACAS, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, kcreighton@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-2176. Filed for public inspection November 7, 2003, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68), in connection with the termination of the insureds' automobile policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of William and Laurice Dunning; file no. 03-182-09019; Erie Insurance Company; doc. no. P03-10-033; November 26, 2003, 2 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated represen-

tatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-2177. Filed for public inspection November 7, 2003, 9:00 a.m.]

State Farm Fire and Casualty Company; Automobile Insurance Revised Rates and Rules; Rate Filing

On October 27, 2003, the Insurance Department (Department) received from State Farm Fire and Casualty Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 11.9% increase amounting to \$10,628,500 annually, to be effective January 1, 2004.

Unless formal administrative action is taken prior to December 26, 2003, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Department's regional offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Michael W. Burkett, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, mburkett@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-2178. Filed for public inspection November 7, 2003, 9:00 a.m.]

State Farm Mutual Automobile Insurance Company; Automobile Insurance Revised Rates and Rules; Rate Filing

On October 27, 2003, the Insurance Department (Department) received from State Farm Mutual Automobile Insurance Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 4.5% increase amounting to \$54.404 million annually, to be effective January 1, 2004.

Unless formal administrative action is taken prior to December 26, 2003, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Department's regional offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Michael W. Burkett, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, mburkett@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-2179. Filed for public inspection November 7, 2003, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The Liquor Control Board seeks the following new sites:

Montgomery County, Wine & Spirits Shoppe #4617, Route 113 and Allentown Road, Franconia, PA.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,500 net useable square feet of new or existing retail commercial space within a 2-mile radius of the intersection of Route 113 and Allentown Road in Franconia.

Proposals due: December 5, 2003, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128
Contact: Robert Jolly, (215) 482-9671

Bucks County, Wine & Spirits Shoppe #0903, 8794 Easton Road, Revere, PA 18952.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,500 net useable square feet of new or existing retail commercial space within a 3-mile radius of the intersection of Routes 412 and 611 in Nockamixon.

Proposals due: November 21, 2003, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128
Contact: Robert Jolly, (215) 482-9671

The following Liquor Control Board leases will expire:

Bradford County, Wine & Spirits Shoppe #0804, US Route 6, Wyalusing, PA 18853-0382.

Lease Expiration Date: October 31, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,600 net useable square feet of new or existing retail commercial space within the Borough of Wyalusing or in the surrounding Township of Wyalusing.

Proposals due: November 21, 2003, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Joseph P. Hannon, (717) 657-4228

Luzerne County, Wine & Spirits Shoppe #4005, Kingstown Plaza, 613 Third Avenue, Kingston, PA 18704-5814.

Lease Expiration Date: August 31, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,800 net useable square feet of new or existing retail commercial space within the Borough of Kingston.

Proposals due: November 21, 2003, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Willard J. Rhodes, (717) 657-4228

Luzerne County, Wine & Spirits Shoppe #4023, 801 Wyoming Avenue, West Pittston, PA 18643.

Lease Expiration Date: September 30, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,700 net useable square feet of new or existing retail commercial space along Wyoming Avenue between Erie Street to the west and Boston Avenue to the east in West Pittston Borough.

Proposals due: November 21, 2003, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Charles D. Mooney, (717) 657-4228

Northampton County, Wine & Spirits Shoppe #4806, 34 South Broad Street, Nazareth, PA 18064.

Lease Expiration Date: October 31, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space within the Borough of Nazareth.

Proposals due: November 21, 2003, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Willard J. Rhodes, (717) 657-4228

York County, Wine & Spirits Shoppe #6711, Clearview Shopping Center, 1000 Carlisle Street, Hanover, PA 17331.

Lease Expiration Date: May 31, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 12,000 net useable square feet of new or existing retail commercial space along Eisenhower Drive between Carlisle Street to the west and Broadway to the east in Hanover Borough.

Proposals due: November 21, 2003, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Charles D. Mooney, (717) 657-4228

Washington County, Wine & Spirits Shoppe #6316, Washington Mall, 301 Oak Spring Road, Washington, PA 15301.

Lease Expiration Date: July 31, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 6,500 to 7,000 net useable square feet of new or existing retail commercial space in a shopping center environment on US Route 19 north of Washington and within 3/4 mile of the interchange with I70/79 in Washington.

Proposals due: November 21, 2003, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Bruce VanDyke, (412) 565-5130

Cumberland County, Wine & Spirits Shoppe #2107, 3760 Market Street, Camp Hill, PA 17011-4325.

Lease Expiration Date: January 31, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 12,000 net useable square feet of new or existing retail commercial space within 1/2 mile of the intersection of State Route 641 (Trindle Road) and South 32nd Street, Camp Hill Borough.

Proposals due: November 21, 2003, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Charles D. Mooney, (717) 657-4228
 JONATHAN H. NEWMAN,
Chairperson

[Pa.B. Doc. No. 03-2180. Filed for public inspection November 7, 2003, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by December 1, 2003. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under the application.

A-00120254. Pittsburgh Cab Company, Inc. (1301 Beaver Avenue, 2nd Floor, Pittsburgh, Allegheny County, PA 15233), a Pennsylvania corporation—persons upon call or demand: (1) from the Allegheny County Airport, in the Township of Mifflin, Allegheny County; (2) from the Pittsburgh International Airport, in the Township of Moon, Allegheny County; (3) in the City of Pittsburgh, Allegheny County; (4) in the Townships of Ohio, Aleppo, McCandless, Franklin, Sewickley Heights and Kilbuck, and the Boroughs of Glenfield and Sewickley Heights, Allegheny County; and (5) in the Boroughs of Bellevue, Avalon, Ben Avon, Ben Avon Heights and Emsworth, Allegheny County; which is to be a transfer of the rights authorized under the certificates issued at A-00112257, Folders 1 and 2 to Lenzner Transit, Inc. subject to the same limitations and conditions. *Attorney:* Ray F. Middleman, 117 VIP Drive, Wexford, PA 15090.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-2181. Filed for public inspection November 7, 2003, 9:00 a.m.]

Telecommunications

A-311287F7001. Verizon North Inc. and American Telecharge, Inc. Joint petition of Verizon North Inc. and American Telecharge, Inc. for approval of a resale agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and American Telecharge, Inc., by its counsel, filed on October 23, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and American Telecharge, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-2182. Filed for public inspection November 7, 2003, 9:00 a.m.]

Telecommunications

A-311275F7001. Verizon North Inc. and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless. Joint petition of Verizon North Inc. and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless for approval of adoption of an interconnection agreement and amendment no. 1 to the agreement under sections 252(i) and 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless, by its counsel, filed on October 21, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement and amendment no. 1 under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-2183. Filed for public inspection November 7, 2003, 9:00 a.m.]

Telecommunications

A-311287F700. Verizon Pennsylvania Inc. and American Telecharge, Inc. Joint petition of Verizon Pennsylvania Inc. and American Telecharge, Inc. for approval of a resale agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and American Telecharge, Inc., by its counsel, filed on October 23, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and American Telecharge, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-2184. Filed for public inspection November 7, 2003, 9:00 a.m.]

Water Service

A-210104F0036. Pennsylvania Suburban Water Company. Application of Pennsylvania Suburban Water Company for approval to begin to offer, render, furnish or supply water service to the public in an area known as Mount Cobb, located in a portion of Jefferson Township, Lackawanna County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before November 24, 2003. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Pennsylvania Suburban Water Company

Through and By Counsel: Mark J. Kropilak, Esquire, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-2185. Filed for public inspection November 7, 2003, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept bids for Project #03-180.P, Fuel Oil No. 2 for 100 HP Steam Boiler, LMSR Site, Tioga Marine Terminal, until 2 p.m. on Thursday, November 20, 2003. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available November 12, 2003. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 03-2186. Filed for public inspection November 7, 2003, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

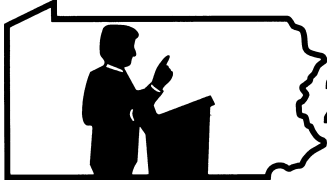
Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:
 The payment date specified in the contract.
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
 PA Department of Community and Economic Development
 374 Forum Building
 Harrisburg, PA 17120
 800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
 Location: Harrisburg, Pa.
 Duration: 12/1/93-12/30/93
 Contact: Procurement Division
 787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦ (For Commodities: Contact:) Vendor Services Section
 717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.

② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.

③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.

④ Department: State Department or Agency initiating request for advertisement.

⑤ Location: Area where contract performance will be executed.

⑥ Duration: Time estimate for performance and/or execution of contract.

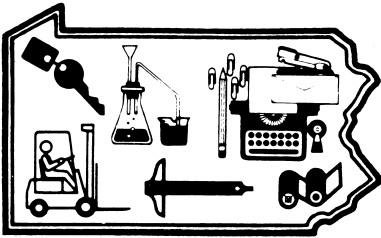
⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.
 (For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure explains how to take advantage of available services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room 201 Finance Building
 Harrisburg, PA 17120
 717-787-4586
 1-800-252-4700
 BizOutlet@patreasury.org

BARBARA HAFER,
State Treasurer



Commodities

0003 The College is seeking bids for the purchase of one Fadal FMC-0098 Fadal Economical Machining Center (or approved equal) including one flood coolant tank assembly, 422k battery backed RAM memory expansion, and one 3.5" floppy disk drive.

Department: State System of Higher Education
Location: Thaddeus Stevens College of Technology, 750 E. King Street, Lancaster, PA 17602
Duration: November 15, 2003 to June 30, 2004
Contact: Nancy Froeschle, (717) 299-7787

3-0001 The College is seeking competitive bids for the purchase of one LPKF ProtoMat C40 circuit board plotter (or approved equal) for production of prototype PCBs, sign and front panel engraving. Purchase will include cabinet, dust extraction system, inspection microscope, training video, EasyContac through sleeves, and various milling bits.

Department: State System of Higher Education
Location: Thaddeus Stevens College of Technology, 750 E. King St., Lancaster, PA 17602
Duration: November 15, 2003 to June 30, 2004
Contact: Nancy Froeschle, (717) 299-7787

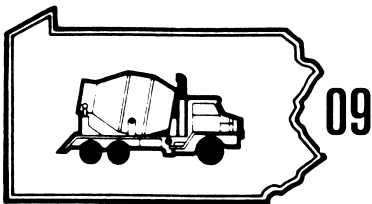
3-0002 The College is seeking competitive bids for the purchase of one steam systems 1 Trainer which includes: Industrial Boiler System 1 ea.; Mobile Mounting Frame - 1 ea.; Condensate Removal System - 1 ea.; Water Tank Heating System with Thermostat control; Steam Pressure Reducing Valve with Bypass Instrumentation; Student Learning Activity Packs Instructor's Guide 50 copy CD Print License.

Department: State System of Higher Education
Location: Thaddeus Stevens College of Technology, 750 E. King Street, Lancaster, PA 17602
Duration: November 15, 2003 to June 30, 2004
Contact: Nancy Froeschle, (717) 299-7787

PSSH 100B2 Whirlpool Bathing System

Department: Military Affairs
Location: PA Soldiers & Sailors Home, 560 East 3rd Street, Erie, PA 18507
Duration: Notice to Proceed through June 30, 2004
Contact: Jenny Nowacinski, (814) 878-4980

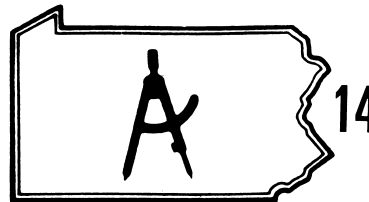
SERVICES



Construction & Construction Maintenance

MI-903 Nichols Roof Millersville University of PA invites roofing contractors to request bidding documents for MI-903 Nichols House Roof Repairs. Project consists of removing existing asphalt shingles and replacing with new 30 year asphalt shingles; provide 303 felt and ice dam; fabricate and install new copper valley flashing and step flashing; fabricate and install new aluminum drip edge; replace missing or damaged slate up to 70 pieces.

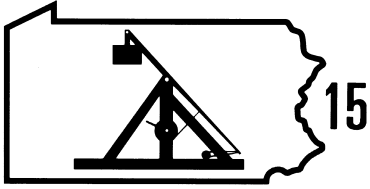
Department: State System of Higher Education
Location: 18 Creek Drive, Millersville Borough, PA
Duration: 10 calendar days from the date of the Notice to Proceed
Contact: Jill M. Coleman, (717) 872-3570



Engineering Services

PennDOT-ECMS The Pennsylvania Department of Transportation has established a website advertising for the retention of engineering firms. You can view these business opportunities by going to the Department of Transportation's Engineering and Construction Management System at www.dot2.state.pa.us.

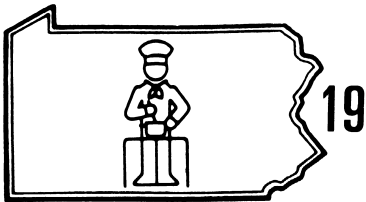
Department: Transportation
Location: Various
Contact: www.dot2.state.pa.us



Environmental Maintenance Service

OSM 10(6375)101.1 Abandoned Mine Reclamation Project, Deegan West. The principal items of work and approximate quantities include a 2,500,000 gallon dewatering impoundment, 176,444 cubic yards of grading site 1; 25,666 cubic yards of grading site two, and 18.1 acres of seeding. This project issues on November 7, 2003, and bids will be opened on December 2, 2003. Payment in the amount of \$10.00 must be received before bid documents will be sent. Funding for this project is financed by the Federal Government under the authority given it by P.L. 95-87 dated August 3, 1977, "The Surface Mining Control and Reclamation Act of 1977," and is subject to that Law and to the Federal Grant for this project.

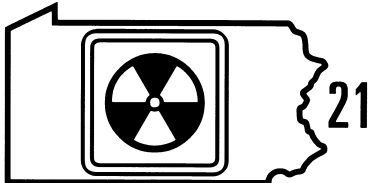
Department: Environmental Protection
Location: Marion Township, Butler County, PA
Duration: 210 calendar days after official starting date.
Contact: Construction Contracts Section, (717) 783-7994



Food

PSSH 10061 Milk and Milk Products.

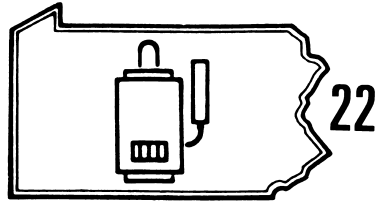
Department: Military Affairs
Location: PA Soldiers & Sailors Home, 560 East 3rd Street, Erie, PA 16507
Duration: January 1, 2004 through December 31, 2004
Contact: Jenny Nowacinski, (814) 878-4930



Hazardous Material Services

08-102024 PennDOT, Butler County, District 1020, is soliciting the service of quantifier contractor for the removal and transporting of residual waste from Butler County Maintenance District 1020, Truck wash facility required by the Department. For bid package, please fax a contact name and your company name along with your complete address and Federal ID # or S. S. # to (724) 283-3571 or e-mail your request to askunda@state.pa.us.

Department: Transportation
Location: 351 New Castle Road, Butler, PA. 16001
Duration: Two (2) year contract: by mutual consent of both parties, this contract is renewable for one (1) year.
Contact: Andy Skunda, (724) 284-8226



HVAC Services

08102023 PennDOT, Butler County, District 1020, is soliciting the service of quantifier individuals, firms and corporations to provide on-call electrical repairs to the building #048-5762, located at 351 New Castle Road, Butler, PA 16001, and to all outlying stockpiles in Butler County as needed. For a bid package, please fax a contact name along with your complete address and Federal ID # OR S.S.# to 724-283-3571 or e-mail your request to askunda@state.pa.us.

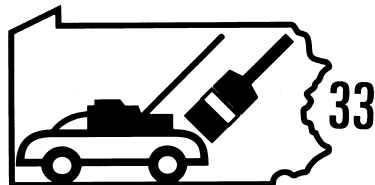
Department: Transportation
Location: 351 New Castle Road, Butler, PA, and to Department stockpiles located in Butler County.
Duration: Two (2) year contract: by mutual consent of both parties, this contract is renewable for two (2) years
Contact: Andy Skunda, 724-284-8226

08-102025 PennDOT Butler County District 1020, is soliciting the service of quantifier individuals, firms and corporations to provide maintenance and emergency repairs of the gas-fired heating systems for Maintenance District 1020, Building #048-5762, and also the contractor shall make a monthly visit to perform testing and adjustments to the chemicals and chemical feed systems of the gas-fired heating system. For bid package, please fax a contact name along with complete address and Federal ID # or S. S. # to 724-283-3571 or e-mail your request to askunda@state.pa.us.

Department: Aging
Location: 351 New Castle Road, Butler, PA 16001
Duration: Two (2) year contract: by mutual consent of both parties, this contract is renewable for a one (1) year period.
Contact: Andy Skunda, (724) 284-8226

065380 This work is for the routine inspection, maintenance, testing, daily surveillance and monitoring of the pump stations, electrical substations, ventilation systems, and other appurtenances contained in the pump stations. The bid opening will be held at the Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, on December 18, 2003. Specifications can be viewed on the PENNDOT Web Site at www.dot.state.pa.us by selecting "Doing Business With PENNDOT"/"EBS/ECMS"/"Electronic Bidding." Proposals must be purchased from the PENNDOT Sales Store (717-787-5968) in order to place a bid.

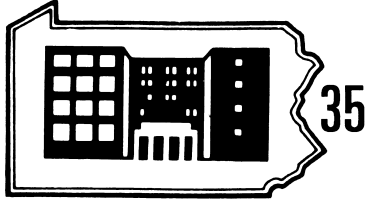
Department: Transportation
Location: Interstate I-95 with Dock Street, I-95 SB Ramp with Delaware Ave., I-676 with 10th St., I-676 with 22nd St., all in Philadelphia County, and SR 13 with TR 413 in Bucks County.
Duration: Three (3) Years
Contact: Louis J. Porrini, Highway Maintenance Manager, 610-205-6703



Property Maintenance

FM 8706 Furnish all labor, materials and equipment for snow removal services from sidewalks, driveways and parking areas as required at the PA State Police, Blooming Grove Station. Totals are based on estimated snow removal and salting/cindering/calcium in hours/tons. Detailed Work Schedule and Request for Quote must be obtained from Facility Management Division, 717-705-5951.

Department: State Police
Location: Troop R, Blooming Grove Station, HC6, Box 6810, Hawley, PA 18428
Duration: 11/01/03 to 06/30/06
Contact: Sandy Wolfe, (717) 705-5951



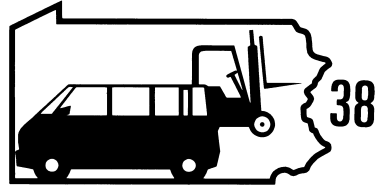
Real Estate Services

93630 LEASE EXISTING OFFICE/CLINIC SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Health with 2,061 useable square feet of existing office/clinic space in Bradford County, PA. with minimum parking for 10 vehicles. Downtown locations will be considered. For more information on SFP #93630 which is due on December 8, 2003, please visit www.dgs.state.pa.us under "Real Estate" to download an SFP package or call (717) 787-4396.

Department: Health
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: John Hocker, (717) 787-4396

93629 LEASE WAREHOUSE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of General Services with 10,000 useable square feet of warehouse space in Philadelphia County, PA with minimum parking for 10 vehicles to be located no more than one driving mile from on/off ramps along Route 76 between Route 291 and Route 1 between Route 76 and Route 13, Philadelphia, Philadelphia County, PA. For more information on SFP #93629 which is due on November 24, 2003, visit www.dgs.state.pa.us under "Real Estate" to download an SFP package or call (717) 772-0952.

Department: General Services
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: Mrs. Cynthia T. Lentz, (717) 772-0952



Vehicle, Heavy Equipment and Powered Machinery Services

125A04 Provide maintenance department fire extinguishers service cost for monthly visit to Greensburg Office (Route 30, 1 mile east of Greensburg). Annual inspection of all fire extinguishers in the Westmoreland County Maintenance Building at Department request. Recharging Cost for #5 Extinguishers - Quantity 100. Recharging Cost for #20 extinguishers - quantity 100. Cost for parts and installation of gauges - quantity 30. Cost for parts and installation of hoses - quantity 30. Cost for parts and installation of valves - quantity 30

Department: Transportation
Location: PA Department of Transportation 12-5, P. O. Box 189, RT 30 East Donahue Road, Greensburg, PA 15601
Duration: This contract shall be renewable by letter for 1 year periods for a total of 3 renewals.
Contact: Jennifer Bodenheimer, (724) 832-5387, EXT 212

ADV#196 Indiana University of Pennsylvania, a member of the Pennsylvania State System of Higher Education, is seeking qualified vendors to replace stator windings on two (2) Ideal Electric SAMB generators in the Cogeneration Plant at IUP. Vendors must have at least five years experience in winding a minimum of four high voltage motors or generators each year. Requests for copies of the bid package should be made in writing referencing ADV#196 and directed to the attention of Barbara Cerovich, Contracts Administrator, IUP, Robertshaw Building, 650 S. 13th Street, Indiana, PA 15705; Fax No. (724) 357-2670; e-mail cerovich@iup.edu. Interested vendors must submit their request to be placed on the bidders list no later than Friday, November 14, 2003. The University encourages responses from small and disadvantaged, minority and women-owned firms.

Department: State System of Higher Education
Location: Indiana University of Pennsylvania, Indiana, PA 15705
Duration: Three years
Contact: Barbara Cerovich, Contracts Administrator, (724) 357-2301

[Pa.B. Doc. No. 03-2187. Filed for public inspection November 7, 2003, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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DONALD T. CUNNINGHAM, Jr.
Secretary

